

## **Brandon Select Board Meeting May 8, 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, Bernie Carr, Richard Baker, Steve Bissette, Jeff Stewart, Anna Scheck, Marty Feldman, Daryl Burlett, Dick Kirby, Bill Moore, Chris Brickell, Lee Kahrs, Rod Pulsifer, Adam Murach

### **1. Call to order**

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

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

### **2. Approval of Minutes**

**a) April 24, 2017 – Select Board Meeting Minutes**

**Motion** by Devon Fuller/Brian Coolidge to approve the Select Board minutes of April 24, 2017. **The motion passed with one abstention – Tracy Wyman.**

### **3. Town Manager's Report**

Dave Atherton reported VTrans has reviewed the bids for Segment 6 and the Notice of Award was sent to Casella and the Town should have a schedule soon. The culvert box has been installed in its entirety for the overflow culvert and last week was spent backfilling. Headwall forming and pour should be done soon and paving is scheduled for May 12<sup>th</sup>. There is a small bridge on Churchill Road that will need to be addressed and a box culvert will work as a replacement. One property that will require an easement is in the process of being sold and the Town has been advised to wait until it is conveyed and negotiate with the new property owners. The bat study will begin the first week of June for Bridge 114. The Town has successfully transferred the payroll over to NEMRC. They will be completing bi-weekly payroll, quarterly VMERS accounting and annual tasks such as W2s, W9s, etc. Mr. Atherton has walked two town-owned lots off Union Street with a potential buyer and he will keep the Select Board informed of the progress. A "Kick-Off Palooza" is scheduled for May 21<sup>st</sup> from 2PM to 6PM for the Segment 6 project at the Town Hall, followed by Kevin Thornton's movie "Death in the Wilderness, A Love Story". Thanks to Bernie Carr, Devon Fuller, Judy Bunde, Jeff Stewart and Dennis Marden for coordinating this. The Naturalization Ceremony is scheduled for May 10<sup>th</sup> at 1:00PM at Neshobe School. Awnings have been ordered for the front of the Town Office with

funds that had been set aside from the renovation. The Project Tracker has been updated and is available for viewing on the Town's website. Senator Welch will be in Brandon on May 10<sup>th</sup> to look at the "Super Culvert" and will be attending a Brandon Cares meeting. Also on the 10<sup>th</sup>, FEMA will be in town for a final walk through on Newton Road.

In the Recreation Department, Safety Day was held on May 7<sup>th</sup> and thanks to the generous donation from Omya 100 helmets were given away. They also donated additional funds that were used to purchase bike parts that mechanic and Vice-President of the Brandon Area Mountain Bikers, Ethan Nelson, used on bikes that needed tuning up. Thanks again to the Brandon Fire Department who provided fire safety awareness in a simulation of a smoky situation. Thanks also to Debbie Boyce for running the Bike Rodeo, Colleen Wright of the Brandon Toy Project for providing hot dogs, the Brandon Police and Brandon Area Rescue for being on hand for face time and vehicle inspection and to the Rutland Rec for loaning some balance bikes. The Red Sox trip of August 6<sup>th</sup> is sold out. The Brandon Carnival is taking shape and will include a 1k kick-off fun run sponsored by Comcast, a battle of the bands competition on Saturday starting at noon and carnival and associated activities (bingo, music, magic, car show) will run June 8<sup>th</sup> through the 11<sup>th</sup> at Estabook Park. Baseball registrations are closed with 179 participants in baseball and softball from Pre-K through 6<sup>th</sup> grade. The new middle school lacrosse team coached by Greg Bernhardt played their first game at OV on May 1<sup>st</sup>. A summer schedule for Brandon Rec camps and new companion offerings through a collaboration with Neshobe SOAR and Leicester's Summer program will be finalized soon. This will provide all-day enrichment/camp solutions for children in the RNEUSU district for five weeks (July 5<sup>th</sup> through August 4<sup>th</sup>).

Devon Fuller questioned if there are any permit issues regarding the second Churchill Bridge. Mr. Atherton stated there are no permits requested and he has viewed the bridge with Daryl Burlett and it is thought that it can be repaired with a box culvert. Mr. Fuller also questioned how long the bat study would take and Mr. Atherton advised that it is not known at this time. Doug Bailey was pleased with the switch to NEMRC, noting that should free up some staff time. Seth Hopkins questioned who had suggested waiting on the property closing prior to moving forward with the Churchill Bridge. Mr. Atherton advised that the Federal Land group and VTrans suggested it would be best to wait until the closing is complete.

#### **4. Zoning Administrator's Report**

Anna Scheck reported there were eight permits submitted and issued. There was an appeal to a decision that is pending regarding conditional use in a residential area. With regard to violations, the property on Walnut Street is still pending and the attorneys will be working that out. There was a transfer to a banking institution for the property on Maple Street and there is a period before they can start the cleanup. Ms. Scheck will be in contact with the financial institution. She will be doing some site visits on pending violations. With regard to rental codes, the Town has collected \$9,250.00. Ms. Scheck also provided information to the Board regarding the discussion of murals painted on buildings and the process going forward. Devon Fuller stated the BAG (Brandon Artist Guild) is set for putting a mural on the building. Ms. Scheck stated in talking with the Community Development, there was a question of whether it needs to be painted

on the building. As long as it is painted on the wall of the building, it can be done provided it is not an advertisement.

## **5. Comments for Items Not on the Agenda**

Bill Moore advised that Brandon would be hosting the first-time Brandon Carnival. There will be musical acts and many activities and all are welcome to attend the Carnival from June 8<sup>th</sup> through the 11th.

## **6. Consider Downtown Brandon Alliance Road Closure Request**

Devon Fuller stated the request is to close down Seminary Street from Route 7 to River Street on May 21<sup>st</sup> for the Route 7 Segment 6 kick-off to keep it in the downtown. There would be an informational fair inside the Town Hall and then get together outside with a beer garden and celebrate the fact that the Route 7 renovation is going to happen. Seth Hopkins suggested in addition to discussion with Town Manager and Police Chief, the Rescue Squad and Fire Department should be alerted. Chris Brickell questioned who has the authority to close the road, as the Police Department does not have that authority. Daryl Burlett noted there is criteria that has to be followed in closing of a road. Dave Atherton stated this situation was reviewed and suggested detouring would resolve the issue. The Board has the authority to discontinue and alter, but the Town could make it happen with a detour rather than a road closure.

**Motion** by Doug Bailey/Tracy Wyman to approve the request of the Downtown Brandon Alliance road closure by having a detour, rather than a complete road closure from 1:00PM to 6:30PM on Sunday, May 21st. **The motion passed unanimously.**

## **7. Churchill Road Parking Area**

Dave Atherton stated with regard to the Churchill Road project, there had been a parcel that the Town had previously determined an easement for the property owned by Deb Wing would be required for the proposed parking area. In doing the title search, it was determined that the Town does not need to have a parking area in this location as there was a prior parking area on the Forest Service property that can be used and therefore, an easement is not necessary. When starting the process again, Mr. Atherton had met with the Forest Service and they want to have the parking on their property. This document is something the attorneys had put together to indicate the Town does not need the easement and to eliminate it. Seth Hopkins asked if the easement for the parking area was separate from the temporary easement for the bridge construction. Dave Atherton confirmed that they were separate easements. Mr. Hopkins also questioned if there is funding to do the repair to the small bridge and Mr. Atherton advised that the brook is small where this bridge is located and Mr. Burlett indicated it is not going to be a big project and will be done in next year's budget.

**Motion** by Doug Bailey/Brian Coolidge to authorize the Town Manager to sign the document releasing the interest in the parking lot directly north of the Churchill Bridge and return the parking lot to the federal land. **The motion passed unanimously.**

## **8. Consider Letter of Authorization for Segment 6 Invoices**

Dave Atherton stated this was tabled at the last meeting. He spoke with Sarah Jarvis and the VLCT attorney regarding this request and provided the statute relative to the authority of the Select Board and the Town Manager. He noted Title 24, Section 1623 lays out what the authority is for the Select Board and what the authority is for a Town Manager with a Select Board. The Select Board is not responsible for many of the daily actions. In 12 VSA 1236, Sections 3 and 5 outline the town manager's roles to perform all duties including signing orders, provided they are not out of the General Fund. The Segment 6 funding is Federal Highway money. The verdict from the VLCT attorney is that the Town Manager would have the authority from the Select Board. Mr. Atherton requested the Select Board approve the Letter of Authorization to allow the Town Manager to be efficient and avoid having to dip into the line of credit for orders.

Doug Bailey appreciated the efforts of the Town Manager in researching this information to protect everyone involved. Mr. Atherton stated the bills would still be coming to the Select Board at the subsequent meetings.

**Motion by Doug Bailey/Devon Fuller to approve the Letter of Authorization for Segment 6 Invoices. The motion passed unanimously.**

## **9. Segment 6 Cost Analysis**

Dave Atherton stated CLD had put together a report on the funding breakdown for Segment 6. Seth Hopkins questioned whom the owners would be relating to the utility poles and Mr. Atherton advised it would be the utility companies. Mr. Burlett noted the sewer funding is the Enterprise Fund through the Sewer District that is not paid for by all taxpayers. Mr. Hopkins stated it does parse out who is responsible for what, but the report is somewhat technical. Mr. Atherton stated Sue Gage had provided a Project & Matching Funds report for the Board's review and discussion at a subsequent meeting. Mr. Burlett stated there is a non-participating item under soils that is an estimate that the federal highway does not pick up. The Town is trying to procure funding outside of the federal funding. The approval has been received from VTrans. Doug Bailey stated there might be some match money that could be used from what is remaining from the overflow culvert. It was noted if the match was created by an article; it has to go back to the taxpayers. Bernie Carr stated it appears the Town is almost at where it needs to be and perhaps the funds from the option tax could be used to fill in. Mr. Atherton stated the estimate is about \$200,000.00.

## **10. Fiscal**

### ***a) General Fund Warrant – May 8, 2017 - \$491,384.28***

**Motion by Devon Fuller/Tracy Wyman to approve the warrants of May 8, 2017 in the amount of \$491,384.28. The motion passed unanimously.**

It was noted that \$421,000.00 of the warrant was for the overflow culvert. Doug Bailey questioned the invoice for Brandon GLC Solar. Mr. Atherton advised that the Town purchases

the recs from the solar array and the credits are then deducted off the Green Mountain Power bills. The average monthly savings to the Town is about \$600.00. Mr. Bailey questioned the MasterCard charge for a mechanic tool set. Mr. Atherton advised the Police Department purchased a set of tools to have at the Police Department. Mr. Hopkins asked with regard to the MasterCard charges how the Select Board knows who the vendors are. Mr. Atherton stated the credit card statements could be included in the warrants, but he did not find a motion that indicated the Select Board would want them in their board packets. All invoices have a description of what the purchase was for. Mr. Bailey also questioned the purchase of the motion sensors and Mr. Atherton stated the Police Department required the sensors to cover the garage area. Mr. Bailey asked about the highway safety policies invoice and Mr. Atherton advised that the Town has to do lock out and tag out at the garage and Mr. Burlett had contacted Susan Screibman to set up the policies for the garage.

**b) Warrant – Segment 6 - \$1,267.50**

**Motion** by Devon Fuller/Brian Coolidge to approve the Segment 6 warrant in the amount of \$1,267, 50. **The motion passed unanimously.**

The Board recessed at 7:46PM to convene as the Board of Liquor Control Commissioners.

The Board reconvened at 7:54PM.

**Motion** by Doug Bailey/Brian Coolidge to enter into executive session at 7:55PM pursuant to 1VSA 313(a)(3) regarding the appointment or employment or evaluation of a public officer or employee to include the Town Manager, Police Chief, Police Lieutenant and Police Officer. **The motion passed unanimously.**

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

**Motion** by Doug Bailey/Brian Coolidge to come out of executive session at 8:40PM. **The motion passed unanimously.**

There was no action required.

**Motion** by Devon Fuller/Brian Coolidge to enter into executive session at 8:42PM pursuant to 1VSA 313(a)(3) regarding the appointment or employment or evaluation of a public officer or employee. **The motion passed unanimously.**

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

**Motion** by Devon Fuller/Brian Coolidge to come out of executive session at 9:00PM. **The motion passed unanimously.**

There was no action required.

### **13. Adjournment**

**Motion** by Devon Fuller/Brian Coolidge to adjourn the Select Board meeting at 9:03PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary