

Brandon Select Board Meeting November 13, 2017

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

Board Members in Attendance: Seth Hopkins, Brian Coolidge, Devon Fuller

Others In Attendance: Dave Atherton, Lee Kahrs, Bill Moore, Arlen Bloodworth, Chris Brickell, Daryl Burlett, Steve Bisette, Richard Baker, Christie Whittemore, Carl Whittemore, Stephanie Elnicki, Doug Sawyer, Sam Glaser

1. Call to order

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

a) Agenda Adoption

Motion by Devon Fuller/Brian Coolidge to adopt the agenda. **The motion passed unanimously.**

2. Approval of Minutes

a) October 23, 2017 – Select Board Meeting Minutes

Motion by Devon Fuller/Brian Coolidge to approve the minutes of the October 23, 2017 Select Board meeting. **The motion passed unanimously.**

Richard Baker noted in the Town Manager’s response to Jan Coolidge concerning the town hall, it was indicated the chandeliers have been lowered, however, only the bulbs have been changed, but the chandeliers were not lowered. Seth Hopkins stated the minutes would stand as printed, but it will be noted the chandeliers have not been lowered.

3. Town Manager’s Report

Dave Atherton reported the storm drain structures were installed at the Carver/Union intersection and the storm structure on Rossiter Street was completed today. Paving should take place within the next 2 weeks in those areas. There was a conference call today concerning Bridge 114 with a tentative schedule for bids to go out in December. The Town should have the final contract documents soon. The engineers are responding to the comments from VTrans and the Federal Highway on the Churchill Road Bridge plans and will be submitting final plans soon. The project is still planned to go out to bid in January for spring 2018 construction. Everything has been installed on the Champlain Street pump station; however, there is a problem with the suction on one of the pumps. The pump station is running, but the issues on pump 2 are currently being worked on. Aldrich & Elliott have also advised they will be able to do some add alternatives.

Budget-wise, the project is still within budget which is why the add alternatives can be done. A request for proposals for the transfer station went out last week and the deadline for submission is November 27th. The organization of the Town Report has begun and Janet Mondlak will assist with getting the report ready for the printer. The Select Board will need to decide on the dedication and memorial for the report. The deadline for submitting the report to the printer is January 15, 2018, but it is preferred to get things submitted the first week of January. The first budget meeting will be held November 21st at 6PM in the 2nd floor Town Office conference room. Three of the Newton Road properties that met the highest criteria to move forward with the fall 2017 deadline have been submitted to FEMA for possible buyout. There is a monetary cap on how much can be submitted at one time. Hazard Mitigation has to prioritize the applications prior submitting to FEMA for buyout funding. The Town will look at pursuing a planning and implementation grant and are considering more mitigation for Newton Road. Additional applications will be submitted to FEMA in the spring of 2018. The Rec Department has started registration for youth basketball for the 3rd/4th and 5th/6th grades and winter cheerleading. Thanks to Stephanie Kellogg for her help in raising money for new basketball uniforms. Odyssey of the Mind registration for grades 3 through 12 will be run through the Rec Department this year. Registration is open for this program and there is a need for coaches. The Brandon and Pittsford Recs and Otter Valley are coordinating to have a one-day clinic with the varsity teams and players. The Trail Committee is filling up thanks to an article in the Rutland Herald. The Rec Department is looking for a horseback riding rep. There is an upcoming event at the Town Hall on December 1st and 2nd: Junie B. Jones – Jingle Bells, Batman Smells.

Devon Fuller asked if the Segment 6 work will continue through the winter. Mr. Atherton reported construction will continue through the winter, but not in the middle of the downtown. Carver and Rossiter Streets will be paved and the area around the Congregational Church will be paved. Mr. Fuller questioned how many Newton Road applications will be submitted in the spring. Mr. Atherton advised it will depend on how many the State will allow to be submitted for FEMA funding. Not all Newton Road properties are in the floodway and the ones that are in the flood area will be taken first. Mr. Fuller questioned if the Housing & Community Development and Two Rivers grants would help fund the Newton Road buyouts. Mr. Atherton reported the Two Rivers funding would be where the match would come from and it is not known whether there will be match money from the Housing and Community Development. Mr. Fuller noted instead of the basic hazard mitigation, the Town is going above to try to find additional funding. Seth Hopkins questioned if the three properties were on the north side of Newton Road and Mr. Atherton confirmed they were, with two on the west end and one on the east end.

4. Park Street Update

Dave Atherton reported at the last meeting, it was noted Aldrich and Elliott (A & E) will design the storm water on Park Street and the Town is looking at applying for funding for the sewer and water. A & E will use the storm water master plan in their work and the public input meeting will be done after A & E develops a plan. Daryl Burlett stated the application for the SRF part is filled out, which is the water and sewer. A public meeting cannot take place until the application is submitted. The Select Board will have to sign off on the application at the next meeting and then A & E can have their public meeting after that. The Fire District will be pursuing funding for the water. The surfacing portion is planned for 2019 and Federal Highway funds will be used

for that project. Mr. Glaser asked if there are design implications that will set a tone that cannot be changed and is the Town committing to changing the design of Park Street. He noted many emails are circulating and the residents would like to see what the road will be. Mr. Glaser stated free money should not dictate the ultimate design of the road and the Town may want to fund it ourselves if it is the intent to keep the historic nature of the road and the Town should not overcommit without knowing. Seth Hopkins stated the funding is many hundreds of thousands of dollars and noted the Town will relay the point that once the storm water plan is made, there will be information provided to the public on what the street will look like. Mr. Burlett stated there will be a public meeting for input and there has to be a positive bond vote in March. The engineers need to determine what the storm water will look like and at that point, there will be public input before signing off. The grant is for the storm water and whatever they need to do to make the storm water possible. Mr. Glaser stated his point was that once the initial design is created if it will get the Town the most money and look good he is in favor of it, however if it is going to change the design and not be in the best interest of the Town, he is not in favor of it. Devon Fuller stated many things have changed historically and it needs to be determined what is going to be the best design for the phosphorus run-off and he did not believe that when a design is submitted, it does not mean a design can't be changed. The storm water engineers will bring the design to the public meeting and there will be input as to what the other impacts will be, but the preferences have to work with the engineering functions. Mr. Burlett stated this has to pass a positive bond vote from the entire town, not just the Park Street residents. Mr. Atherton stated VTrans had indicated they have paving funds for Park Street when Segment 6 is being done, which prompted the Town to move forward with this project. Mr. Burlett was concerned with what is going on under the road and it was thought that water and sewer should be done right prior to paving it. The funding has been researched to assure this project could be done, but the project is still in its infancy stage. Doug Sawyer was pleased the Park Street project is moving forward and suggested the key milestones be added to the Project Tracker report. Mr. Burlett reported the Park Street project is low on his priority list with the numerous projects in Town and the addition of this project was because there is funding available. Mr. Fuller asked if there will be a schedule laid out and Mr. Burlett advised the contract was just signed last Thursday for the scope and fee. Mr. Fuller noted it would be helpful to know the tentative schedule and once the engineers have it, the Town can provide the public the information.

5. Comments for Items not on the Agenda

Stephanie Elnicki from Earth Waste & Metal noted discussion of the transfer station was on the agenda at the last meeting, but she was not aware of it. Ms. Elnicki presented the Select Board with a letter that expressed their thanks for serving the Town and provided answers to some of the comments from the last meeting that were misleading. Ms. Elnicki was surprised the contract went out to bid because they intend to renew the next five-year term. Ms. Elnicki would like to see the Town and their company be more on the same page and work on some compromises. What was done 10 years ago is different and there have been many changes made due to the State and they want to continue to serve the community. Ms. Elnicki was not aware of some of the issues and will do whatever they can to work with the Town. Seth Hopkins confirmed the contract has renewal terms and it is an option for the Town and the business to renew without bidding. Dave Atherton advised the Town was approached with the renewal letter and had asked to meet with the company on-site to discuss some of the issues and concerns of the people. There

have been concerns regarding charges, safety and zero sort and the Town has addressed these items without success. The Town has contacted the State regarding electronic recycling, as this is a concern that has been expressed. Mr. Atherton also received an inquiry about used oil that is no longer being taken and this had been addressed to the company's office, but no changes have been made. Mr. Atherton noted the Town is the first phone call from the public regarding issues at the transfer station and the Town cannot provide answers until they receive information from the transfer station. Ms. Elnicki stated there are compromises to handling some of the waste that have become hazardous waste. As they become more aware, there are different remedies that have been done. There are opportunities to deal with hazardous waste, but not necessarily on a daily basis. Mr. Atherton noted the Town has addressed the issues with the company's office and have forwarded all email complaints received. Ms. Elnicki stated most of the people are happy, but if there is a problem, their company has to improve that, as they are here to serve the community and come up with new approaches to the problems. Ms. Elnicki asked the Town to have understanding with the nuances of this type of work. Mr. Atherton reiterated the Town has called their office many times and complaints are forwarded to their office. This issue has been going on for three years and the Town has to do what is best for the community. Ms. Elnicki agreed that it has to be a business that is compliant, clean, and current with all the changes from the State due to recycling laws. Ms. Elnicki is open to discussing this further with the Town Manager and being more open with where the Town sees this going. Mr. Hopkins stated Ms. Elnicki's letter will be taken under advisement for continued dialogue.

Christie Whittemore reported there was an incident on October 4th at their home on Paint Works Road where a BB was shot through their kitchen window. There is no ordinance in Town for discharging a firearm, whether it is a bullet, air gun or BB gun and Ms. Whittemore was present to request an ordinance be established. This is the first time their house has been hit, but the shooting is an everyday occurrence. Police Chief Brickell stated ordinances are only as good as they are drafted. He is not opposed to an ordinance; however, any type of firearm ordinance is a hot topic in this state. In the case of BB guns and air guns, he is not sure how they would be regulated. Ms. Whittemore stated there are no areas safe in their area to discharge firearms. The Whittemores have had to replace their window and there was nothing the police could do to the young man. She described the weapon and she knew who the child was and when calling the police station, it was her understanding that it has to be proven who shot the weapon. Ms. Whittemore would like an ordinance to try to stop this type of incident. Seth Hopkins asked how there cannot be criminal law for property damage. Chief Brickell noted one has to have the intent and the ability to show the damage; and unless the police are able to show whom and whether there was intent, there is not a crime. Ms. Whittemore noted the firearms are an ongoing issue, plus there are constant bonfires and they have spoken to the Fire Department regarding the bonfires because there are explosions and it is not certain what they are burning. As far as this incident, the Whittemores do not know why they decided to shoot at their house, but they do know there is constant gunfire going on. Devon Fuller stated an ordinance, in his understanding, is more of a suggestion than a law or regulation. Chief Brickell stated an ordinance is enforceable by the police department, but this type of ordinance would be a traffic ticket based fine structure. Chief Brickell noted there are increased costs to the police department and the fines are usually small. Chief Brickell stated some ordinances for discharging weapons are effective; however, there are some that are not. The Town's attorney would have to draft the ordinance and explain the pitfalls of drafting such an ordinance. Ms. Whittemore provided the

Select Board copies of the Middlebury and Proctor discharge ordinances and a map of the area around their home to show that it is not a good place for discharging firearms. She stated it is important to stop the gunfire. Mr. Hopkins noted he had lived a number of years with a similar situation and his concern with an ordinance is that even if the police respond to a call, the offenders will lie and not pay the ticket. Ms. Whittemore stated an ordinance is a document the Town stands behind and indicates the Town is not going to allow this. Mr. Hopkins stated this bears consideration, but he does not think it will solve the problem. Mr. Fuller stated it is worth looking into because he does not think shooting firearms in town should happen. Ms. Whittemore stated this was not just a random firing and she thinks it was a target. Mr. Hopkins asked if a civil ordinance is consistent with Vermont law. Chief Brickell stated one will see very little enforcement of those types of ordinances and there will be compliance by law-abiding citizens. More enforcement is always better, but it does not have to be through an ordinance. Brian Coolidge stated the extra patrol in this area is good.

6. 23 River Street Sale

Dave Atherton reported the Town has received an offer of \$2,000.00 for the property at 23 River Street that was taken at tax sale. If the Board chooses to sign the paperwork, after 30 days posting the 24VSA 1061, the property can be sold. Seth Hopkins asked if this is the Town's best avenue for the property. Mr. Atherton stated this is a property that is dangerous because there is a structure that is uninhabitable and this is the best route to go.

Motion by Brian Coolidge/Devon Fuller to approve the sale of 23 River Street. **The motion passed unanimously.**

7. Appointments

a) Deputy Health Officer (3-year term ending November 30, 2020)

Dave Atherton advised this appointment is for the Deputy Health Officer. Dolores Furnari has served in this position for several years and is willing to continue.

Motion by Devon Fuller/Brian Coolidge to reappoint Dolores Furnari as the Deputy Health Officer for a 3-year term ending November 30, 2020. **The motion passed unanimously.**

8. Fiscal

a) Warrant – November 13, 2017 - \$102,868.06

Motion by Devon Fuller/Brian Coolidge to approve the November 13, 2017 warrant in the amount of \$102,868.06. **The motion passed unanimously.**

b) Route 7 Segment 6 Construction Warrant – November 13, 2017 - \$213,028.79

Motion by Brian Coolidge/Devon Fuller to approve the November 13, 2017 Route 7 Construction warrant in the amount of \$213,028.79. **The motion passed unanimously.**

9. Adjournment

Motion by Brian Coolidge/Devon Fuller to adjourn the Select Board meeting at 7:59PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary