

**Brandon Select Board Meeting  
February 25, 2019**

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

**Board Members in Attendance:** Seth Hopkins, Doug Bailey, Tracy Wyman

**Others in Attendance:** Dave Atherton, Steve Bessette, Dick Kirby, Mickeen Hogan, Dennis Reisenweaver, Russell Jones, Mike Frankiewicz, Wayne Rausenberger, Paul Stone, Ben Lawton, Bill Moore

**1. Call to order**

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

***a) Agenda Adoption***

**Motion** by Tracy Wyman/Doug Bailey to adopt the agenda, as amended. **The motion passed unanimously.**

Move Item 9 to a subsequent meeting agenda.

**2. Approval of Minutes**

***a) Approval of Minutes – February 11, 2019 - Select Board Regular Meeting***

**Motion** by Doug Bailey/Tracy Wyman to approve the minutes of the February 11, 2019 Select Board meeting. **The motion passed unanimously.**

**3. Town Manager's Report**

Dave Atherton provided the following Town Manager's Report for the weeks of February 11<sup>th</sup> and February 18<sup>th</sup>:

***Segment 6:***

The project is shut down for the rest of the winter.

***Union Street Sidewalk:***

Comments on the final plans were received from VTrans today and the engineers will be addressing them.

***Park Street:***

The Town has received right-of-way clearance from VTrans, but is still waiting for the NEPA document from Historic Preservation.

***Newton Road:***

FEMA has awarded the Town the funding for the first three property buyouts on Newton Road. Mr. Atherton will be contacting the landowners regarding this subject.

***Other Happenings:***

Mr. Atherton attended the RRPC's monthly meeting on February 19<sup>th</sup>, due to Brandon's rep being out of the country. Mr. Atherton attended another RRPC Local Emergency Management workshop on February 13<sup>th</sup>. The discussion was on emergency shelters. Mr. Atherton was invited to a Preservation Trust dinner on February 20<sup>th</sup> to be a guest speaker on what has been going on in Brandon, specifically in the downtown area. As of February 22<sup>nd</sup>, the Town has 11 properties remaining on the current tax sale list that totals \$26,064.00.

***Rec Department News:***

Brandon Idol has been a wildly successful program with 200+ attending the last show. The next show will be on March 9<sup>th</sup> and there will be ticket presales as the event is expected to sell out. Thanks to all winter youth coaches for their guidance and patience during this long, cold basketball season: Lance Laraway, Chad Disorda, Ron Coble, Tanner Romano, Tony Lavelle, Kristle Humiston, Matt Gibbs, Monda Kelley, Bob Kelley, Molly McGee, Keith Wetmore, Chrysty Palmer, Heather LaPorte, Fred Pockette, Mike Howe, Gabe McGuigan, Jessica Ketcham and Adam Calvin. A special shout out to our youth cheerleading commissioner and coach, Sarah Whitney. She has grown the program for the last three years to the point that we have 15 youth participating, with the hopes of having a full competing varsity team in a few years. The learn to ski/ride program at the Snow Bowl is filling, with some spots still open. The Celtics bus trip to see the Houston Rockets on March 3<sup>rd</sup> is sold out.

***Economic Development:***

All of the downtown storefronts are rented, except the new one that was created in the yet-to-be renovated Chamberlain Building. Mr. Moore is currently speaking to someone about renting this space.

Seth Hopkins asked if the three Newton Road properties were on the north side that FEMA approved. Mr. Atherton advised the properties are the Lee's, Harrison's and Swan's. Mr. Hopkins confirmed the tax sale was scheduled for April 5<sup>th</sup>.

Doug Bailey reported he attended a Board of Civil Authority meeting and agreed to speak to the Board on behalf of the BCA regarding parking for voting. Mr. Atherton reported Bernie Carr was advised there would be space available near the Mobil station for parking. Mr. Atherton also spoke with one of the foremen about the possibility of parking in that area due to the downtown

construction that will provide for use for other events at the Town Hall. Mr. Bailey questioned whether the process for the Newton Road buyouts would include an appraisal being done that the homeowner would agree to prior to the process moving forward. Mr. Atherton advised this process would be using the current market value, which should be a benefit. There have been two other FEMA applications submitted for the process. It is anticipated there would be action on those by the end of the year. Mr. Atherton reported the State has allowed additional digging in the area, following the ice flow, to have a channel opened up. The State is looking at different ways of addressing this area. Mike Frankiewicz questioned where the landowner's property line ends concerning the river. Mr. Atherton noted it would depend on how the deed is written, with some property lines being at either the river's edge or in the middle of the river, however, the State owns the water. He noted the Town has to abide by what the State directs them to do with regard to the river.

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

Seth Hopkins advised the Select Board received a report from Richard Baker, Brandon's representative to the Rutland Transportation Council. Mr. Hopkins noted the Board's appreciation for Mr. Baker representing the Town on this Board.

Dick Kirby asked if storeowners could shovel openings from the sidewalk to the parking spaces. Dave Atherton advised Public Works usually does this clearing at night; however, they have been very busy due to the amount of snowfall.

#### **5. BLSG Presentation**

Ben Lawton, member of the BLSG, thanked the Select Board and residents of the Town for the support of the BLSG that was formed in 1978 to reduce the population of the mosquito nuisance. This program also controls the disease-carrying mosquitos that had resulted in two deaths in the area. The mission of the BLSG changed with the advent of West Nile virus and there was an infusion of federal money to map out the areas in the Otter Creek floodplain where there was mosquito breeding. There are 45 species of mosquitoes and the BLSG collects and identifies them to determine which are disease-bearing. The BLSG has become much more efficient and use the same pesticides. A surveillance is done to see if there is resistance to the pesticides. There is a lawsuit from the Toxic Action Committee and there have been many postings on Front Porch Forum about this subject. Mr. Lawton noted that one female mosquito that is not killed by the larvicide used in the pools that are treated can multiply the mosquito population to 49 billion mosquitos. A 75% mortality rate would breed 10 million mosquitoes. The larvicide is effective, but there is still some that are not eliminated, which is the reason for the adult mosquito process. Mr. Lawton reported there have been cases of West Nile virus in the State. There can be an outbreak of the West Nile virus any time and this area has tested positive in its samples. In 2012, in the State of Texas, there were 1900 people that had the virus, with 877 being neuro-invasive and 89 deaths resulting. He noted this is a serious disease and can be fatal. The estimated cost of this outbreak in Texas was \$47 million.

Seth Hopkins reported Mr. Rausenberger of the BLSG was present during the Town's budget-planning meeting to provide information to the committee. The Town is of the mindset this is a

valuable service the BLSG provides to the community. It is a public health and economic development issue and the Town is united in wanting to support a robust insect control program.

Dennis Reisenweaver agreed the program should be continued, but asked why they come up private driveways, as they sprayed up his driveway and killed his honeybees. Ben Lawton reported the BLSG has both a commercial and private license and the BLSG should have been notified there were beehives. He advised there is information on how to opt out of the program. There is a bee pollinator protection policy and they need to know where the bees are located. Mr. Lawton advised that Mr. Rausenberger is working with the Beekeeper Association. Mr. Reisenweaver stated there is a State database for beekeepers that he is registered through. Mr. Lawton stated most people want the service to come up their driveways and apologized for this incident. Mr. Lawton noted that BLSG tries to do all of the sprayings after dark and he does not know the reason for this situation. Seth Hopkins advised there would be an executive session this evening regarding the pending litigation.

## **6. Discussion of Discontinuance of Town Highway #57**

Dave Atherton noted that history of this discontinuance has been provided to the Select Board. He advised that Paul Stone is trying to go through the NRCS Conservation Program. This road was to have been discontinued by the Town in 1990; however, it did not go through the full process, which requires the process be started over. Mr. Atherton provided information to the Select Board to again consider discontinuing the road. A site visit would be required, with a hearing following the visit. Paul Stone provided the Select Board a letter requesting to discontinue the road. Mr. Stone advised he purchased the land in 1998 assuming the road was discontinued, but it is still on the VTrans map. Mr. Stone also provided a letter of support from Paul Quesnel, who owns the land near the Long Swamp Road that continues to Mr. Stone's land. Seth Hopkins thought the house immediately south of the bridge was numbered as being on Pearl Street and asked where Long Swamp Road begins. Mr. Atherton stated in viewing the maps, where the classification changes from a 2 to a 3 is at the tar and noted Long Swamp Road may start where it meets Short Swamp Road. Mr. Atherton will make the change to Pearl Street or Town Highway #4. It was questions whether the property could be accessed for a site visit. Mr. Stone stated it would depend on whether it is flooded. It was decided to meet at the intersection of Creek Road near Sanderson Bridge to do the site visit. The site visit was scheduled for Monday, April 8<sup>th</sup> at 6:00PM, with the hearing to be held at 6:30PM immediately following the visit. Mr. Atherton will research whether the vote could be done at the Select Board meeting that same night. Mr. Stone suggested the Select Board mail certified letters to the adjoining landowners and NRCS. Mr. Atherton did not think that certified letters would be required as due diligence would be done with the public notice. Mr. Atherton will confirm this process.

## **7. Appointments**

### ***a. Planning Commission (Remainder of 3-year term ending June 30, 2019)***

Seth Hopkins advised that Lisa Rovi has submitted a letter of resignation from the Planning Commission. Doug Bailey confirmed that Ms. Rovi is agreeable to resigning immediately if there is someone available to take the position; otherwise, she is willing to serve to the end of her

term. Dave Atherton advised that a letter of interest has been received from Lowell Rasmussen, who is currently serving on the Town's Energy Committee.

**Motion** by Doug Bailey/Tracy Wyman to appoint Lowell Rasmussen to the Planning Commission to fill the remaining 3-year term ending June 30, 2019 made open by the resignation of Lisa Rovi. **The motion passed unanimously.**

## **8. Approve Personnel Policy**

Seth Hopkins reported the Select Board and Town Manager have been working on this policy that has also been viewed by the Town's attorney. The last adoption of the policy was 1988. Mr. Hopkins noted this is the VLCT's model policy recommended for towns to use as a template that has been tailored to fit Brandon. The Town's attorney has confirmed it is current with Vermont Law.

**Motion** by Doug Bailey/Tracy Wyman to approve the Personnel Policy, as presented. **The motion passed unanimously.**

Mr. Hopkins stated the last page is the current contribution on health insurance that will need to be reviewed yearly. This item was added as an addendum to be able to update it as needed.

## **9. Approve Purchase and Sale Contract for Real Estate Conveyance**

This agenda item was postponed to a subsequent meeting.

## **10. Fiscal**

### ***a) General Fund Warrant – February 25, 2019 - \$1,023,150.20***

**Motion** by Doug Bailey/Tracy Wyman to approve the General Fund warrant of February 25, 2019 in the amount of \$1,023,150.20. **The motion passed unanimously.**

Dave Atherton reported \$946,908.00 is payment to the OV Unified School District for the transfer of the quarterly school tax.

### ***b) Route 7 Construction Warrant – February 25, 2019 - \$46,992.38***

**Motion** by Doug Bailey/Tracy Wyman to approve the Route 7 Construction warrant of February 25, 2019 in the amount of \$46,992.38. **The motion passed unanimously.**

The Board recessed to convene as the Board of Liquor Control Commissioners at 7:43PM.

The Board reconvened at 7:50PM.

**Motion** by Doug Bailey/Tracy Wyman to find that premature general public knowledge of a pending or probable civil litigation or prosecution, to which the public body is or may be a party will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

**Motion** by Doug Bailey/Tracy Wyman to enter into executive session at 7:50PM to discuss the pending or probable civil litigation or prosecution to include representatives of the BLSG Mosquito District, under the provisions of 1V.S.A. Section 313(a)(1). **The motion passed unanimously.**

### **11. Executive Session**

**Motion** by Doug Bailey/Tracy Wyman to come out of executive session at 8:25PM. **The motion passed unanimously.**

There were no actions required.

**Motion** by Doug Bailey/Tracy Wyman to find that premature general public knowledge of the contract negotiations with the New England Police Benevolent Association (NEPBA) will clearly place the Town at a substantial disadvantage by discussing its negotiation strategy. **The motion passed unanimously.**

**Motion** by Doug Bailey/Tracy Wyman to enter into executive session at 8:26PM to discuss the contract negotiations with NEPBA under the provisions of 1V.S.A. Section 313(a)(1). **The motion passed unanimously.**

### **12. Executive Session**

**Motion** by Doug Bailey/Tracy Wyman to come out of executive session at 8:35PM. **The motion passed unanimously.**

**Motion** by Doug Bailey/Tracy Wyman to ratify the Collective Bargaining Agreement between the Town of Brandon and the New England Police Benevolent Association Local 422, as presented. **The motion passed unanimously.**

### **13. Adjournment**

**Motion** by Doug Bailey/Tracy Wyman to adjourn the Select Board meeting at 8:36PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary