

## **Brandon Select Board Meeting March 11, 2019**

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

**Board Members In Attendance:** Doug Bailey, Seth Hopkins, Tracy Wyman, Brian Coolidge, Tim Guiles

**Others In Attendance:** Dave Atherton, Bernie Carr, Richard Baker, Dick Kirby, Chris Brickell, Jeff Stewart, Janet Coolidge, Wayne Rausenberger, Steven Zorn, Amy Menard, Bill Moore

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

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

The winners of the Even Better Brandon drawings for February and March were Dan Boyce and Kyle Boyce.

Seth Hopkins welcomed Tim Guiles as the new Select Board member and thanked all who attended the Town Meeting and voted to pass the Town's budget and appropriations.

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

### **2. Election of Select Board Officers**

- a) Election of Chair*
- b) Election of Vice-Chair*
- c) Election of Clerk*

**Motion** by Doug Bailey/Tim Guiles to elect Seth Hopkins as the Chairperson of the Brandon Select Board. **The motion passed unanimously.**

**Motion** by Tracy Wyman/Brian Coolidge to elect Doug Bailey as the Vice-Chair of the Brandon Select Board. **The motion passed.**

**Motion** by Tracy Wyman/Doug Bailey to elect Tim Guiles as the Clerk of the Brandon Select Board. **The motion passed.**

### **3. Designation of Select Board as Other Statutory Bodies**

- a) Board of Liquor Control (Title 7, Section 166)*
- b) Board of Health, (Title 18, Section 604)*
- c) Board of Sewer Commissioners*  
*A/K/A: Board of Sewage System Commissioners (Title 24, Section 3506)*  
*Board of Sewage Disposal Commissioners (Title 24, Section 3614)*

*d) Housing Board of Review (Title 24, Section 5005)*

**Motion** by Doug Bailey/Tracy Wyman to designate the Select Board as other statutory bodies as noted above. **The motion passed unanimously.**

**4. Establish Meeting Schedule, Time and Location**

*a) Second and Fourth Mondays*

*b) 7:00PM*

*c) Brandon Town Hall*

**Motion** by Doug Bailey/Brian Coolidge to maintain the current meeting schedule of every 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month for the Brandon Select Board meetings beginning at 7:00PM in the Brandon Town Hall. **The motion passed unanimously.**

**5. Adopt Meeting Rules and Procedures**

*a) Rules of Procedures for Select Board of the Town of Brandon, Vermont*

Seth Hopkins noted the VLCT has recommended following the Rules of Procedure that are according to the Vermont Open Meeting Law, rather than Roberts Rules as previously followed.

**Motion** by Brian Coolidge/Tracy Wyman to accept the Rules of Procedure as the operational preference for the Brandon Select Board meetings. **The motion passed unanimously.**

Mr. Hopkins noted the Town had used Roberts Rules for Small Boards in the past and the big difference with the Rules of Procedure is that it allows the Chair to vote. Overall, it includes the Open Meeting Laws and recognizes that this is a meeting of the Select Board held in public and allows for arrangement of public participation, with the Board the only entity that can act. Dave Atherton advised there used to be an agenda item of Comments from the Public, which has now been changed to Public Comment and Participation per the VLCT's recommendation that is in the Rules of Procedure.

*b) Reports of Appointed Boards, Commissions, and Officials to the Select Board*

Seth Hopkins advised the previous Select Board had discussed requesting periodic reports from the other appointed boards, commissions and officials of the Town. The proposed document would be distributed to those boards and individuals, with the Select Board requiring an annual report be submitted for the Annual Town Report, as well as reporting as specified in the document. Doug Bailey liked the concept of having the various committees provide input to the Select Board and suggested adding a timeframe for each group. Dave Atherton clarified that a written report would suffice for the additional reporting. It was decided the Planning Commission, Energy Committee, Health Officer and Historic Preservation Commission would provide their semi-annual report in September. The Revolving Loan Fund Committee, Rutland Regional Transportation Council Representative, Rutland Regional Planning Commission Representative and BLSG Insect Control District Representatives would provide their semi-annual report in October.

**Motion** by Tracy Wyman/Doug Bailey for the Select Board to adopt Reports of Appointed Boards, Commissions, and Officials to the Select Board of the Town of Brandon, Vermont, as amended. **The motion passed unanimously.**

**6. Designate Official Newspaper**

*a) Official – The Reporter*

*b) Alternate – The Rutland Herald*

**Motion** by Tracy Wyman/Doug Bailey to appoint The Reporter as the designated official newspaper and to appoint the Rutland Herald as the alternate newspaper. **The motion passed unanimously.**

**7. Approval of Minutes**

*a) Approval of Minutes – February 25, 2019 - Select Board Meeting*

**Motion** by Tracy Wyman/Doug Bailey to approve the February 25, 2019 Select Board minutes. **The motion passed with Brian Coolidge and Tim Guiles abstaining.**

**8. Town Manager’s Report**

Dave Atherton provided the following Town Manager’s report for the weeks of February 25<sup>th</sup> and March 4<sup>th</sup>.

***Union Street Sidewalk:***

VTrans has made final comments on the plans and our engineers are reviewing them. This is the last step in getting to the bid process.

***Park Street:***

We are still waiting for the NEPA document from Historic Preservation.

***Newton Road:***

Quotes have been requested from three appraisal firms for the property appraisals on 37, 51, 419 and 449 Newton Road. The contract was awarded to A. Geoffrey Wells Appraisals, PLC for an amount of \$1,200.00. There was a meeting with the three homeowners and Lauren Oates from Hazard Mitigation to discuss the next steps for the buyouts.

***Other Happenings:***

As of 3/8/19, there are 6 properties remaining on the current tax sale list in the amount of \$25,198.49, which originally started with 30 properties. The Sanderson Bridge repair will start this Wednesday and will be closed for about three weeks until the repairs are completed. The

Town will be putting up signs and will place a notice in the newspapers. With regard to the annual Rental Code fees, 292 of the 464 properties have paid. The total received to date is about \$7,300.00.

***Recreation Department News:***

Baseball is starting and registration is open until April 5<sup>th</sup> for Minors Softball, Minors Baseball, Mighty Mites and Majors. Registration will be open for Summer Baseball and T-Ball until May 3<sup>rd</sup>. Pee-Wee Cheerleading is nearly full. This program will introduce cheering techniques to youth in grades K – 3. Commissioner Sarah Whitney, Assistant Rec Director Colleen Wright and Stacey Mohan will be coaching. The Gettysburg trip from June 21<sup>st</sup> through the 23<sup>rd</sup> still has some open spots. Gettysburg was the most important battle of the Civil War, and Vermonters fought bravely at its most critical moment. Today, the battlefield is a beautiful and meaningful memorial that every American should visit. Join Historian Dr. Kevin Thornton for this 3-day, 2-night trip. This Bucket-list trip is an incredible deal. Most meals, lodging and museum fees are included at \$360pp – single rate and \$325pp – double rate.

**9. Public Comment and Participation**

Seth Hopkins reported that he has received the Rutland County Solid Waste Committee’s minutes and financials that is available for anyone wishing to view the information.

Bernie Carr reported there is a pre-construction meeting scheduled for Thursday, March 21<sup>st</sup> with Casella concerning the Segment 6 project. Mr. Carr will be advertising this public meeting that is scheduled to begin at 6:30PM in the Town Hall on the 21<sup>st</sup>.

**10. Appointments**

- a) Tree Warden – Wayne Kingsley*
- b) Fence Viewers - Cindy Bell, John Reynolds and Todd Nielson*
- c) Inspector of Lumber, Shingles and Wood – John Reynolds*
- d) Weigher of Coal – Lou Faivre and Olya Hopkins*
- e) BLSG Insect Control District Representative – Wayne Rausenberger*
- f) Budget Committee - Jan Coolidge and Anthony Peduto*
- g) Rutland County Solid Waste District Representative – Gabe McGuigan*

**Motion** by Brian Coolidge/Tracy Wyman to approve the appointments noted above. **The motion passed unanimously.**

Seth Hopkins noted for the record that he has a personal relationship with Olga Hopkins. Mr. Hopkins thanked Art Doty for his service on the BLSG Committee and Doug Sawyer for his participation on the Budget Committee. The Town will be soliciting letters of interest for the two open positions.

Tim Guiles asked why there is a Weigher of Coal. Seth Hopkins advised the Weighers of Coal, Fence Viewers and Inspector of Lumber, Shingles and Wood are historical offices that are required by statute.

## 11. Road Posting

Tracy Wyman suggested a change to the postings for Town Farm Road, as it was usually posted from Richmond Road to allow trucks to access the gravel pit, otherwise, trucks cannot get out of the pit loaded. Dave Atherton stated there were discussions earlier in the year about this road due to complaints on the dirt portion, but there was not discussion about moving the posted sign. Mr. Wyman suggested allowing trucks to have access from Route 73 to the intersection of Richmond Road. Doug Bailey has received phone calls from truck drivers indicating they cannot get to the pits. Mr. Bailey stated the Town couldn't shut down the pit. Mr. Wyman advised the pits are open all year. Mr. Wyman stated since North Street is not on the list, the signs on that road need to be removed from New England Woodcraft to the Leicester town line. Mr. Atherton stated those could be taken down, as those were placed according to last year's list.

**Motion** by Doug Bailey/Tracy Wyman to approve the Road Posting.

**Motion** by Tracy Wyman/Doug Bailey to amend the Road Posting for Highway 18 to start from Richmond Road rather than Forest Dale Road to the Leicester Town Line. **The motion passed unanimously.**

Mr. Hopkins called for a vote of the original motion. **The original motion passed unanimously, as amended.**

## 12. Approve Purchase and Sale Contract for Real Estate Conveyance

Tracy Wyman withdrew his Company's offer to purchase Parcel 22-51-32, contingent upon the Town successfully concluding the conveyance of the property within 90 days. Mr. Wyman suggested the Select Board accept Mr. Buehler's offer on the property.

**Motion** by Doug Bailey/Brian Coolidge to accept Tracy Wyman's offer withdrawal contingent upon a conveyance of the property within 90 days. **The motion passed with one abstention – Tracy Wyman.**

Dave Atherton stated there is an offer of \$1,500.00 from Buehler, Powell and Zorn for the same property.

**Motion** by Doug Bailey/Brian Coolidge to accept the offer from Buehler, Powell and Zorn in the amount of \$1,500.00.

Tim Guiles questioned if there is an established tax value for the property. Dave Atherton advised there is not an established tax value, however, in creating a scenario, it is estimated the assessment would be \$6,500.00. Tim Guiles suggested there should be a process to determine if the market value can be obtained for property being sold by the Town. Mr. Atherton advised that most of the land conveyed has been swampland and the property is not worth much, with most people purchasing the land for hunting purposes. Some other properties had been acquired through tax sale and the Town has to sell those properties for the amount that was owed. Efforts

are being made to try to get the Town-owned properties back on the tax book. The property being considered has an interesting grade and would benefit the people that live near it. Mr. Guiles stated it is desirable to get it to the adjoining property and asked if there is a value to negotiate to take care of the Town's fiduciary responsibility. Doug Bailey agreed that a policy should be established for selling Town-owned property so that location is taken into consideration. Mr. Atherton advised that a 1061 notice is run in the newspaper that provides individuals the opportunity to challenge a sale. Mr. Guiles suggested with all assets of the Town, there be some type of competitive process to maximize the value to the Town. Seth Hopkins noted there is a legal process that the Town has to follow for sales of Town property and suggested it would be reasonable to develop a policy for the sales. Mr. Atherton suggested adding the discussion of a Sales policy to a subsequent meeting agenda.

**The motion passed with one "No" vote – Tim Guiles.**

Amy Menard, legal representative for Buehler, Powell and Zorn, noted appreciation for the Board's vote and asked if it would be the Board's expectation that she finalize the sale. Dave Atherton advised he would be bringing the Purchase and Sales agreement and 1061 notice to the next Select Board meeting for approval. The notice would be posted and after the 30 days, the sale could be completed. Ms. Menard had a conversation with the Town's attorney with regard to the 1061 and the 30-day period and understands Mr. Wyman's request for the closing within 90 days. She wished to clarify that the 90 days would begin from the time of the posting to the closing. Ms. Menard asked if the Town would be looking for an easement on the property comparable to other property owners to allow the Town to manage the storm water access and noted this would need to be incorporated into the final deed. Mr. Atherton stated there was already an easement obtained for the Segment 6 project and will forward this information to Ms. Menard tomorrow.

**13. License Agreement Termination**

Seth Hopkins noted the License Agreement relating to the above agenda item would terminate automatically due to the offer received.

**14. Fiscal**

***a) General Fund Warrant – March 11, 2019 - \$91,027.44***

**Motion** by Doug Bailey/Tracy Wyman to approve the warrants of March 11, 2019 in the amount of \$91,027.44. **The motion passed unanimously.**

Seth Hopkins and Doug Bailey spoke with the Town Treasurer and Mr. Hopkins advised that the warrants will also include the budget line where each invoice belongs going forward.

***b) Route 7 Construction Warrant – March 11, 2019 - \$170,718.94***

**Motion** by Brian Coolidge/Doug Bailey to approve the Route 7 Construction warrant in the amount of \$170,718.94. **The motion passed with one abstention – Tracy Wyman.**

## **17. Adjournment**

**Motion** by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 7:54PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary