

**Brandon Select Board Meeting
April 22, 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, Jeff Stewart, Mike Frankiewicz, Paul Stone, Steve Bissette, Chris Brickell, Stephanie Jerome, Dick Kirby, Ralph Ethier, Steven Zorn, Russell Jones

1. Call to order

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

The monthly Even Better Brandon drawing was held and Claire McGuigan was the winner of the \$50.00 Brandon Green.

2. Approval of Minutes

a/b) Approval of Minutes – April 8, 2019 - Select Board Public Hearing Meeting re: TH 57 and Select Board Meeting

Motion by Doug Bailey/Brian Coolidge to approve the April 8, 2019 Select Board Public Hearing minutes re: TH 57 and the Select Board Meeting minutes. **The motion passed unanimously.**

3. Town Manager’s Report

Dave Atherton provided the following Town Manager’s report.

Union Street Sidewalk:

John Turner Consulting was awarded the inspection services for the construction of the sidewalk.

Park Street:

This is still in historic review with the State.

Newton Road:

The homeowners at 449 Newton Road are moving forward with the buyout. They have accepted the appraisal results and we have ordered the title search. The property appraisal for 37 Newton Road is scheduled for this Thursday.

Churchill Road:

There is still culvert work to do. Some historic review and right of way work will also be required. Mr. Atherton will be meeting with the landowners to go over these items. The Town still plans to do the project this summer.

Segment 6:

Prior Two Weeks:

- . Equipment and labor mobilization.
- . Continued saw cutting of existing roadbed materials.
- . Sidewalk preparations and installations Segment 'E', Library and Lot 'A' areas.
- . Removal of existing retaining walls: Adjacent to Briggs Lane and Prospect Street South.
- . Initiation of storm water headwall behind Mobil Station.
- . Sewer installation from Briggs Lane across Route 7 inclusive of structures and piping.
- . Installation of storm water piping at SWT #1.
- . Temporary water installations High Street and North along US Route 7.
- . Water and sewer improvements within West Seminary Street.

Next Two Weeks:

- . Continuation of storm water headwall installations.
- . Placement of permanent base pavement within Segments F, E and into D.
- . Placement of pavement markings/ delineators project wide.
- . Continued existing roadbed cutting.
- . Installation of retaining wall adjacent to Briggs Lane.
- . Fountain assembly for access to drinking accommodations within Central Park.
- . Continuation of temporary water installations within US Route 7, (North of High Street).
- . Continued sidewalk preparations and placements project wide.
- . Continued utility improvements within West Seminary Street.
- . Initiation of preparation and construction activities within Segment 'C', (Downtown/potentially inclusive of night work activities).
- . Elevation adjustments to structure frames and grates within Segments E and F.
- . Initiation of underground utility installation within Segment 'A', (High Street and South thereof).
- . Maintenance of erosion control measures should areas be identified following review.
- . Initiation of roadway widening along US Route 7 for maintenance to traffic during construction.

Tracy Wyman reported he has received calls concerning the traffic in the downtown, with the complaints mainly about the delays in the northbound lane in the afternoons. He noted some

have indicated they have waited for as long as 20 minutes to one-half hour. Mr. Wyman sat for 25 minutes today in the northbound lane. Bernie Carr stated the big issue is due to paving. Mr. Wyman suggested that traffic control should be able to come up with a way to allow a certain number of cars to move and then alternate. Mr. Carr has suggested either numbers of cars or a certain amount of time; however, it is the decision of the flagging company. Mr. Carr will reach out to Casella again concerning this issue. Mr. Carr stated there is a lot of equipment moving that happens when paving.

Mr. Guiles stated the lack of lines on the road could cause issues and asked now that the temperatures are warmer if it would be possible to have the lines painted. Bernie Carr reported line painting is on the list of items scheduled to be done. He noted that the ground temperature and the rain have caused delays in this item; however, the contractor is aware that this is an issue.

Doug Bailey asked when the night work would be started. Bernie Carr reported it will start towards the end of the next two weeks. Mr. Carr received an email that the Bridge 114 project will be starting tomorrow. They will be pushing the jersey barriers out and reskirting the road while they work in that area. Mr. Bailey questioned whether there is other clean-up required in the Churchill Bridge area. Dave Atherton advised there is roadwork that will be needed and the Forest Service also has work to do in that area.

4. Public Comment and Participation

Stephanie Jerome, State Representative for Brandon, Pittsford and Sudbury, provided a legislative update. One of the major issues coming up will be the raising of minimum wage to \$15.00/hour to go into effect in 2024. Last week there was a hearing on the Constitutional amendment on reproductive rights. The 2-cent fuel tax has gone to the Senate. Ms. Jerome is a member of the Commerce and Economic Development Committee and they are looking into co-education opportunities. There is a worker crisis in the State and there will be discussions regarding career training and technical training that could fit some of the needs the State has for health care, construction and manufacturing. The Legislature is anticipating a mid-May adjournment.

Dick Kirby asked when the Route 73 construction will begin as the sign indicates April 22nd. It was noted that the State will be doing the work from the top of the mountain down. Mr. Hopkins stated the Town will receive weekly updates once the work has started.

5. Approve Revolving Loan for the 802 Store & Deli

Bill Moore, Brandon's Economic Development Officer, was present to discuss the revolving loan fund application for The 802 Store & Deli on behalf of the applicants. Mr. Moore advised the applicants currently live in Texas and are looking to relocate to Brandon. The applicants met with the Revolving Loan Fund Committee and the Committee was impressed with their proposal and unanimously approved the loan request. The loan would be at a rate of 3.5% amortized at a 15-year rate with a balloon at 4 years. They will be looking to purchase the business of Dave's Forestdale Grocery. Mr. Moore provided an overview of their planned proposal. Mr. Moore advised they are community-minded people who originally lived in Vermont before relocating to

Texas. They plan to live on-site as storekeepers in the apartment above the Forestdale Post Office. They flew up and presented to the Revolving Loan Fund Committee, but were unable to attend the Select Board meeting.

Motion by Tim Guiles/Tracy Wyman to approve the Revolving Loan application for Todd and Maribeth Lagendyk for The 802 Store & Deli in the amount of \$50,000.00 with terms of 3.5% amortized at a 15-year rate with a balloon at 4 years. **The motion passed unanimously.**

Doug Bailey agreed with approval of the loan but wanted to be sure the Town has a recorded lien interest on the items listed by the applicants, as well as the endorsement of the cosigner, as the funding is light by the purchasers that will be going towards the business. The assets give the Town the backing. Mr. Moore stated this was detailed in the letter sent to the applicants.

Mr. Moore expressed his gratitude to the Revolving Loan Fund Committee for the time they spent on this application. Mr. Wyman provided Mr. Moore a picture of the store that dated back to the 1930's when it was Bird's Store. Seth Hopkins asked if there is capital remaining in the Revolving Loan Fund. Mr. Moore reported the remaining balance after funds are dispersed for this transaction would be \$68,000.00. He noted if all loans were paid in full tomorrow, the Fund would have \$344,000.00. All are honoring their agreements and with the latest loans approved, automated electronic payments are being made. Mr. Bailey questioned whether the Loan Committee takes minutes at their meetings. Mr. Moore advised the Revolving Loan Committee provides a written recommendation, which is provided to Select Board and the applicant, to assure the conditions of the loan are met.

6. Consider TH 57 Reclassification or Discontinuance

Seth Hopkins reported there was a site visit and hearing held on April 8th and the Select Board is obligated to act on this item within 30 days. Mr. Hopkins provided five possibilities, as he understands them, after talking with the Public Works Manager: 1) bring the Class 4 road to standard that would require investment and permitting; 2) leave the road as a Class 4 "not up to standard"; 3) make it a pent road with a locked gate and provide the landowners keys to access their property that would be at the landowners expense; 4) reclassify the road as a legal trail with no vehicles allowed; or 5) discontinue and throw up the road entirely.

Motion by Doug Bailey/Tracy Wyman to take no action on this item so that the TH 57 Road remains as a Class 4 road "not up to standard".

Doug Bailey stated the Town does not have the funds to bring it up to standard and there has not been a request to make it a pent road. A trail would not allow the landowners to drive their vehicles on it and the correspondences that he received have requested there be no action taken. Dave Atherton advised the upgrade would be impossible to do, as the Town would not be able to obtain the permits because of the wetland areas. Mr. Bailey thought that going to a trail could potentially hurt the Town in the future.

Paul Stone noted concern with leaving it a Class 4 road, as it his understanding that the Town needs to maintain the road for the use of the landowners and he asked how the Town would do

that considering the disrepair of the road and the washed out culverts. Seth Hopkins stated it is noted in the Select Board manual that the Town is not required to maintain Class 4 roads, except as public convenience requires. Mr. Stone thought there is a requirement, particularly with regard to culverts. Tim Guiles advised he lived on a Class 4 road and his experience was the Town did not have to do anything to the road. Mr. Guiles asked if there is a possibility to designate a trail that would allow limited vehicle use. Mr. Hopkins noted Mr. Burlett has professional knowledge and has indicated a trail can take no vehicle traffic. Tracy Wyman advised there is a legal trail from Van Cortland Road to Sugar Hollow. When logging in that area, Mr. Wyman was required to obtain permission to use the trail because no vehicle traffic was allowed. Mr. Hopkins was familiar with other trails that do not allow for vehicles. Paul Stone did not think that research had been done and questioned if this was properly laid out as a road. Mr. Stone had a 1902 geological survey map and deed to his property that do not describe a road. They show his property boundary on the north as the Otter Creek. Dave Atherton stated this road was shown as a Class 4 highway on the VTrans maps. At some point, the State classified it as a Class 4 road and if it was not a proper classification, it would not be on the maps. Mr. Stone was concerned with the definition of a vehicle and whether it includes 4-wheelers and snowmobiles. He hoped it would be reclassified as a trail, as it would be advantageous to him and the Conservation Service. Mr. Stone noted the property will eventually go to the State as a wildlife area. Mr. Atherton advised he spoke to a representative from ANR about this situation and was advised that because the Class 4 road has set for so long, even if the Town wanted to bring it up to standard, it could not happen due to the wetland permit requirements. The representative thought that no action would be the best solution, as declassification would affect the landowners and by no action, it fits the criteria for people getting to their property. Mr. Hopkins noted the Select Board has weighed everything, including the public sentiment. Mr. Stone stated the road ends at the Sudbury line, and whoever goes through cannot go all the way.

The motion passed unanimously.

7. Fiscal

a) General Fund Warrant – April 22, 2019 - \$55,010.33

Motion by Brian Coolidge/Tracy Wyman to approve the warrants of April 22, 2019 in the amount of \$55,010.33. **The motion passed unanimously.**

b) Route 7 Construction Warrant – April 22, 2019 - \$329,225.40

Motion by Doug Bailey/Brian Coolidge to approve the Route 7 Construction warrant in the amount of \$329,225.40. **The motion passed with one abstention – Tracy Wyman.**

c) Bridge 114 Warrant – April 22, 2019 - \$945.00

Motion by Brian Coolidge/Tracy Wyman to approve the Bridge 114 warrant in the amount of \$945.00. **The motion passed unanimously.**

The Select Board recessed at 7:44PM.

The Select Board reconvened at 7:59PM

Motion by Doug Bailey/Brian Coolidge to enter into executive session at 7:58PM in accordance with 1 VSA 313(a) (3) – the appointment or employment or evaluation of a public officer or employee, with the session to include the Town Manager. **The motion passed unanimously.**

8. Executive Session

The Select Board came out of executive session at 8:24PM. There were no actions required.

There was some general discussion about Segment 6 traffic problems. Tracy Wyman described very long waits (as long as a half-hour) going northbound on a late Friday afternoon. Dave Atherton explained that 3-5pm is our “rush hour” and that means a lot of people need to pass through town. Tim Guiles said that, on a Thursday afternoon, he experienced a 25-minute wait going northbound out of town. Tim went on to say that he feels that the flaggers are doing a good job by moving as many cars as possible through the construction zone as efficiently and safely as possible. Dave Atherton said that he will talk to Casella again to let them know of these recent wait experiences.

9. Adjournment

Motion by Brian Coolidge/Seth Hopkins to adjourn the Select Board meeting at 8:34PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary