

Brandon Select Board Meeting
August 26, 2013

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

In Attendance: Maria Ammatuna, Ethan Swift, Devon Fuller

Also in Attendance: Richard Baker, Wayne Rausenberger, Kathleen Rausenberger, Bernie Carr, Gary Meffe, Nancy Meffe, Anna Scheck, Alan Leavitt, Eric LaRock, Lee Kahrs, Arlyn Bloodworth, Tracy Wyman, Lisa Kenyon, Patrick Foley, Dan Foley, Joe Ammatuna, Linda Stewart, Jeff Stewart, Roman Doviak, Bill Moore, Tina Wiles, Eric Mallory, June Kelly, Judy Bunde

1. Call to order

The meeting was called to order by Devon Fuller, Chair at 7:00PM.

a) Agenda Adoption – Motion by Ethan Swift/Maria Ammatuna to adopt the agenda. **The motion passed unanimously – 3 to zero.**

2. Consent Agenda

a) Approval of Minutes – August 12, 2013 - Select Board

Motion by Ethan Swift/Maria Ammatuna to approve the minutes of the August 12, 2013 Select Board meeting as amended. **The motion passed unanimously – 3 to zero.**

Section 5, 3rd sentence from end of section; a correction reading Brandon Inn, not Brandon end.

b) Appointments

A listing of appointments to various Boards Committees and Commissions for the town was provided to the Select Board for consideration and approval.

Motion by Maria Ammatuna/Ethan Swift to approve the notice of appointments for the Development Review Board, Revolving Loan Fund Committee, Green-up Day Coordinator and the Historic Preservation Commission. **The motion passed unanimously – 3 to zero.**

The Planning Commission is interested in having more people participate on this committee and if anyone is interested in serving on this committee, please contact the town manager.

c) Animal Control Contract with RCSD

Motion by Maria Ammatuna/Ethan Swift to approve the Animal Control Contract with the Rutland County Sheriff's Department for purposes of discussion.

It was noted that the animal control contract is only budgeted for \$4,000.00, not \$8,000.00 as noted in the contract. Anna Scheck requested a new contract with correct dates, but she was not aware the Select Board was going to cut the funding in half and she is uncertain what type of service the town will receive for \$4,000.00. Devon Fuller requested a report from the Sheriff's Department on what kind of services and the number of the calls they are doing. It was questioned whether the town's police department could do some of the services. Anna Scheck will request a report for the Select Board.

Motion by Maria Ammatuna/Ethan Swift to withdraw the previous motion and to table the contract until a report is received as discussed above. **The motion passed unanimously – 3 to zero.**

Anna Scheck noted there is a \$2,000.00 invoice in the warrants for approval.

d. Bo Li Chinese Restaurant Protruding Sign

It was noted that under Section 407.h10 of the zoning ordinance, a sign is not permitted in the public right of way unless it has Select Board approval.

Motion by Maria Ammatuna/Ethan Swift to approve the sign for Bo Li Chinese Restaurant, as submitted by the Zoning Administrator.

It was noted that the current sign is not in compliance. There was also a question of the illuminated sign in the window as being a potential violation of the open sign ordinance. Tina Wiles noted she has spoken to the owners concerning this matter. Devon Fuller asked if there is a limit on signage and Tina Wiles noted that it is based on the type of signage. Ms. Wiles noted they can have 2 façade signs up to 32 square feet and they are under that amount. Ethan Swift asked how many other businesses have this type of sign. Ms. Wiles advised that Blue Moon, Cafe Provence, Brandon House of Pizza, and the Home Shop. She noted there are several businesses and many pre-dated the ordinance. Linda Stewart advised that no flashing signs are allowed and what was written was no illuminated signs over 2 square feet and this sign is probably 2 ½ by 2 ½. Tina Wiles thought that the sign is 2 square feet and it could be a matter of turning off the flashing. Ms. Wiles stated there has been some confusion about their signs and she has had prior discussions with the owners and they have made changes. They are not trying to be non-compliant and are trying to run their business. They thought that with the new sign they were more compliant. Ms. Wiles stated the flashing issue is addressed under 407g and is a different issue from what is being requested. Tina Wiles stated the projecting sign will not be illuminated and the sign will be anchored and done by a reputable company. It will be hung in the same area as the previous Ball & Chain Cafe sign.

The motion passed unanimously – 3 to zero.

3. Fiscal

a) Warrant – August 26, 2013 - \$6,953.75

Motion by Maria Ammatuna/Ethan Swift to approve the warrant of August 26, 2013 for an amount not to exceed \$6,953.75. **The motion passed unanimously – 3 to zero.**

This warrant is the quarterly payment to the Mosquito Control District.

b) Warrant – August 26, 2013 - \$993,445.26

Motion by Maria Ammatuna/Ethan Swift to approve the warrant of August 26, 2013 for an amount not to exceed \$993,445.26. **The motion passed unanimously – 3 to zero.**

Richard Baker proposed the second item on Page 4 for \$2,000.00 be pulled out. It was questioned whether the first two items were related to the right of ways. Richard Baker stated the town is close to completing the right of way documents and the checks will be held until they are signed. It was questioned whether the increased rates for Green Mountain Power were due to the waste water treatment plant due to the July rains. Anna Scheck will review this item and advise the Select Board. Richard Baker noted the invoice in question is a combined bill that included all of the wastewater, including the pump stations.

c) Consider P. O. #23191 – Champlain Oil Co., Inc. for FY13/15 Police Department Gas Purchases - \$24,000.00

Motion by Maria Ammatuna/Ethan Swift to approve P. O. #23191 to Champlain Oil Co., Inc. for FY13/14 Police Department gas purchases for a blanket order in the amount of \$24,000.00. **The motion failed.**

It was questioned whether this is a competitive bid and Mr. Baker was not sure if it is. It was also questioned whether the \$24,000.00 is included in the budget and Mr. Baker noted this amount is what the Police Chief had brought forward as the requested amount. The municipality pays about 30 cents per gallon less than the general public. Competitive bids are required for purchase orders over \$5,000.00. The town manager will obtain bids for this item.

Motion by Ethan Swift/Maria Ammatuna to approve an amount not to exceed \$5,000.00 to Champlain Oil to cover fuel for the first quarter of this fiscal year. **The motion passed unanimously – 3 to zero.**

Richard Baker stated Champlain Oil bills the town once per month and the invoice is paid in this manner. Maria Ammatuna noted there have already been charges incurred during this fiscal year and it is hoped that the vendor will consider the pre-purchase against a blanket order.

e) Consider P. O. #23193 for Mallory's Automotive, Inc. for FY13/14 Police Department Vehicle Maintenance - \$6,000.00

Motion by Ethan Swift/Maria Ammatuna to approve P.O. #23193 for Mallory's Automotive, Inc. for FY13/14 Police Department vehicle maintenance for an amount not to exceed \$6,000.00. **The motion passed unanimously – 3 to zero.**

This was competitively bid 3 years ago and is the last year of a 3-year contract. Ethan Swift noted the services received are a real bargain to the town and when this goes out to bid, it should be acknowledged that this has been a very good deal.

4. Schedule Reports from Committees and Officials

a) Revolving Loan Fund (RLF) Request

Richard Baker stated a recommendation for a \$38,000.00 loan to Foley Brothers' Brewery has been received from the Revolving Loan Fund Committee. An application had been submitted and the minutes from the Revolving Loan Fund Committee have been provided. The Act 250 and other necessary permits for the brewery have been issued. Maria Ammatuna requested clarity on the amount of the loan. The original amount of the request was \$20,000.00; however, based upon the necessary items needed as a result of the permitting process, they are now requesting an amount up to \$38,000.00. Documentation on what is required to support this figure was included. Devon Fuller questioned what other financing has been used. It was noted that prior funding has been all personal financing. The winery has been in business for five years and they have invested around \$150,000.00. They have also invested an amount equal to the loan requested, if not more, for the brewery. The collateral will be the equipment that is going to be purchased. Ms. Wiles confirmed that the business has received Act 250 and local approval. The owners advised they have been approached by a large distributor and the doubling of production will allow them to hire an additional person. It may take over a year to incorporate the plan and get the process functional. The owners noted regulations are quite strict and they have to report quarterly to the groundwater division. When increasing production, it will require an amendment to their permitting.

Motion by Maria Ammatuna/Ethan Swift to approve the RLF loan in the amount of \$38,000.00 to Foley Brothers Brewery and to authorize the town manager to sign the loan agreement on behalf of the town. **The motion passed unanimously – 3 to zero.**

5. Interim Town Manager's Report

Richard Baker stated the quarterly tax payment is due Friday and payments are going very well so far. Sewer bills were issued and are due on the 15th of September and December. On August 8th, the town received the first of four rights of way for the water line and it is hoped to finish this matter this week and forward to VTrans. The town submitted a \$406,000.00 grant application for the town highway bridge 22. Work has begun on 49 Center Street. The volunteers can start on August 28th on the upstairs, followed by work on the downstairs. The DRB has scheduled a meeting on August 28th regarding the town office hearing. Today was Bill Moore's first day as the town's Recreation/Activities Director. Work is continuing with VLCT and the McKernon Group regarding the town office. On August 15th, the town closed on the acquisition of 114

Wheeler Road and will now need to demolish the property in the next 79 days. Labor and Industry visited 49 Center Street. A meeting is scheduled at the end of the week with the CPA and auditors. The second batch of delinquent taxpayer letters will be mailed by September 3rd.

It was noted that the replacement for the Churchill Bridge will be a permanent bridge. Maria Ammatuna questioned whether all items will be removed from the town office upstairs by Wednesday. Mr. Baker advised there are still items on the far right. The first batch of trash has been removed. In the absence of a contract, Ms. Ammatuna requested that Public Works include a daily transfer removal from the town office. Mr. Baker hopes that a contents review can be done on Thursday and discussion of a timeframe to review the contract will be discussed.

Mr. Baker hopes to have a CPA contract for the next Select Board meeting. Ethan Swift noted at one point, there was discussion of obtaining a more firm answer on the services that the auditors and CPA are providing, as some areas were vague. It was noted there was discussion of putting this out for a competitive bid as the town is paying for a compilation and a full blown audit. Mr. Baker stated efforts are being made to work on a more firm timeframe and Ms. Scheck has been working to obtain the information that they have requested in the past. Mr. Swift questioned when the bid process should be done and Mr. Baker advised it is something that should be worked on now.

Devon Fuller questioned whether there has been discussion with VTrans regarding the waterline. Richard Baker stated the certificate has to be signed by town's attorney and he assures that this will be forwarded quickly. VTrans has already reviewed this item, but technically cannot complete the review until they receive the certificate. The process normally takes five weeks, but they think it will be completed within a week. The RFP is already done and the contractors will be given three weeks to submit a bid. A pre-bid conference will be held at the end of the second week. The contractor of choice can then order the special pipe and start around the 15th of October. Mr. Baker advised he has all the permits from the Army Corps of Engineers and has been assured this is not an issue. ANR has approved it and we are ready to go.

It was questioned whether the Wheeler Road property can be demolished within the 79 days. Tina Wiles stated before the grant was submitted, she received three bids on this item and it is hoped to use the one used for the estimate. She will talk to Vermont Emergency Management and will find out if the town can use the bids that were initially obtained. This will be a two-day job, with the electrical and water already having been disconnected. It will be an easy demolition to bring the building down to turf. Ms. Wiles stated it will have to be confirmed whether the town can bring it back to the pre-existing grade, which is four feet lower. This will be a public access area once completed.

A status of the 33 delinquent sewer bills was requested. Mr. Baker stated there have been several responses and some have made partial payments. Mr. Baker noted the deadline for responding will be around September 14th and he will likely not hear from many of them until the deadline.

6. Public Works Report

Mr. Baker reported that line striping is underway. The new loader is in town and the old one is gone. Brian Sanderson attended a FEMA meeting in Mendon and was advised the town will be eligible for reimbursement due to the numerous storms. Instead of noting a specific disaster, any damage suffered in the storm period will be eligible for the grant. Mr. Baker reported the annual financial plan is complete and ready for board approval. Mr. Sanderson had provided a bid document for the Barlow Avenue paving. With regard to the Waste Water Department, Mr. Baker reported the sewer main and private laterals are being done on Barlow Avenue.

a) Consider Annual Financial Plan – Town Highways

Mr. Baker advised this is a standard report that every municipality files with VTrans that indicates the town is going to raise \$300.00/mile for each Class 1, 2 and 3 highway. Mr. Baker stated the town has adopted the state's latest standards overall.

Motion by Maria Ammatuna/Ethan Swift to approve the annual Financial Plan for Town Highways, in accordance with 19 V.S.A. Section 306(j) in the amount of \$719,184.00.

Maria Ammatuna stated this indicates that the town will receive \$149,000.00 from the state for Class 1, 2 and 3 roads. Town tax funds raised through property taxes will be \$519,000.00 and she presumes the town has \$51,000.00 under special funds. Anna Scheck advised there are several lease payments and she believes this will have to come out of the special funds. Ms. Scheck will review the chart to assure there are ample funds to cover these items. Richard Baker advised the funds from the state are issued to the town in quarterly payments. Ms. Ammatuna requested a Vermont municipality report to compare with other towns.

The motion passed unanimously – 3 to zero.

Devon Fuller stated Mr. Putnam of Birch Hill Road had lodged a complaint and questioned the status of this item. Mr. Baker believes this issue has been resolved.

7. Route 7 – Segment 6 Design Alterations

Richard Baker stated the only unresolved issue for Segment 6 is the Carver/Union Streets 4-way stop with 90 degree turns. VHB stated there is no money coming from any place else for the design effort. Mr. Baker stated ASR 7 and ASR 8 did not include this intersection as there was already an approval for the plan. After these were approved, they indicated that \$2.4 million is it. If the town wants to pursue a redesign there needs to be a determination of what the design cost will be. It was noted that the realignment fell within the right of way and there were slight changes to enhance pedestrian safety, however, a 67-foot-long truck will not be able to maneuver with this new proposed design. Because there is an approved design, they will not pay for additional design. Devon Fuller noted it did not seem that this was the only alternative for making it pedestrian friendly. Some of the diagonal parking spaces will need to be deleted as they will be backing into traffic. There needs to be a quote on the design funding prior to determining whether the change will be feasible. It was the consensus of the board to pursue

obtaining a price for design. Ethan Swift stated the Act 250 coordinator did not see that this would open up Act 250, as safety is looked upon favorably.

8. Town Infrastructure

Richard Baker stated the flashing on the side of the town office roof was not caused by Irene and he will submit this as a separate insurance claim.

9. Communications

Maria Ammatuna stated the Friends of the Town Hall Board still have activity to be done on the building and bidding will be needed.

Maria Ammatuna stated the jersey barrier plan has been approved and they will close up the hole on the corner of Brandon House of Pizza's old building and make it more aesthetically pleasing. Nancy Leary has volunteered to stain the concrete.

10. Citizen's Public Forum

Linda Stewart stated the Select Board entrusted the sign ordinance to the Planning Commission. There were two public hearings held and the Select Board had approved the ordinance. There had been a decision to have no flashing signs and only an open sign would be illuminated. This does a disservice to the Select Board and the Planning Commission to start to make exceptions. When making exceptions, there is no enforcement. There are now electronic beer signs in windows and no one has complied and Ms. Wiles will need to do enforcement. Tina Wiles advised that notice of violations have been issued. Ms. Wiles is in communication with people and she prefers to work amicably with the businesses. She has worked with several of the businesses. Ms. Stewart stated if there is no action, then violations need to be assessed. Maria Ammatuna stated there seems to be an excessive amount of violations in various stages. Tina Wiles stated there are a lot of violations and there are many people that look for violations and contact her regarding them. Ms. Wiles noted that she is working on many permit requests and this conversation is bordering on a personnel matter and feels that this is inappropriate for discussion at this meeting. Eric Mallory noted he is probably one of the businesses in violation. He stated there have been a lot of customers lost in this town with the elimination of Nexus and Vermont Tubbs. According to the ordinances, some of his signs are out of compliance, however, these signs drive his business and businesses are trying to make a living. He stated with so many large projects to deal with, he does not understand why the town is worrying about small issues like signs.

Lisa Kenyon noted that schools start on Wednesday and urged people to drive carefully.

Gary Meffe requested a status on the street light replacement program. Richard Baker stated this is supposed to happen before October and he will follow-up with Efficiency Vermont on the status of this project.

Bernie Carr stated he went to a couple of Planning Commission meetings regarding the illuminated signs and he thought that if it was a product, an illuminated sign would be okay. Mr. Carr noted that every village, city or town that has a bar, has a beer sign and he feels it is crazy not to be able to put a sign in a bar window. Devon Fuller stated as the town moves forward, there will need to be ordinances that are reviewed and tweaked. He knows the Planning Commission has worked a lot on the sign ordinance and like any ordinance; there will be times when it needs to be reviewed and reworked.

Wayne Rausenberger noted the Select Board had decided on rehabilitating Bridge 114 and questioned at what point in the near future will there be public input on a design. It was noted that right now the waterline is the main concentration. Richard Baker stated VBH and CLD are working on the scope of work for the bridge. This will lead to a contract for design of the bridge. Mr. Rausenberger stated there should be public input prior to the design being done, as the residents should decide what they want. It was his impression there would be public input. Ethan Swift stated that it is his understanding there will be opportunity to get information on the design. Richard Baker stated VHB will first need a contract and they will then schedule the meetings for public input. Tina Wiles stated there is also the historic report of the bridge, which provides information on what can and cannot be done. Mr. Rausenberger asked if the Select Board members received the email concerning Waitsfield's issue with trees and the right of ways. Mr. Baker noted Brandon is proposing to plant trees and shrubs on private property and these items all need to be addressed.

Tracy Wyman stated on the residents of the Basin Road would like to know when repairs will be done to the road. Richard Baker will discuss this item with Mr. Sanderson. Mr. Wyman stated there is a section of the road near the Shortsleeves' driveway that will require a culvert. When there is a rain, it washes out both sides of the road. It is thought there is a pole that will need to be removed to correct this issue. It was noted that Green Mountain Power will need to be contacted. Mr. Baker stated that a road inventory will provide a more methodical schedule for roadwork repair. It was noted this item will be discussed with the Public Works Manager.

Judy Bunde noted there has not been any line striping done in the Center Street area. Devon Fuller stated there were some areas added after Irene that will not be restriped due to poor line of sight. Ms. Bunde stated with regard to Segment 6, Mr. Baker had indicated there is only one unresolved issue on the design, however, she noted there was an agreement that they were going to take another look at pulling out 90% of the mature trees and their arborist and our person would be reviewing the trees. Mr. Baker advised the DBA's arborist is going to work with their engineers and this item will not be ignored.

Lisa Kenyon requested an update on her neighbor with the rat issue, as she has not heard from Larry Stevens. It was noted that the health officer and the zoning administrator have spent many hours on this issue. Ms. Kenyon stated the only thing that has been done is moving of the fence. Ms. Wiles stated because of the statute, she does not have jurisdiction over animals that include chickens. Mr. Fuller stated if this is not something enforceable, it should be changed and Ms. Wiles noted this could be treated through an animal ordinance, however, currently the ordinance only includes cats, dogs and ferrets. This issue could be handled by the animal control officer also, if the ordinance is amended. Ms. Kenyon suggested reviewing the ordinance as she would

hate to have more rats coming on her property. It is not known that the chickens are the prime problem. Ethan Swift asked if there could be another contributing problem and whether other actions can be done. Devon Fuller stated it will take some time to get rid of the rats and it is important to be sure the neighbors are complying. Ms. Kenyon noted her neighbor has 20 chickens and she asked how long she has to move her chicken coop. Ms. Wiles stated she does not have jurisdiction over agricultural animals and she was advised by legal counsel that some points of the town's ordinance are unenforceable. Ms. Kenyon is also aware of other issues of rats in Brandon. Ms. Wiles advised the Agency of Agriculture enforces issues like this and suggested Ms. Kenyon also contact that department. Devon Fuller suggested the town manager have a discussion with Mr. Stevens regarding the possibility of hiring an exterminator to come into town. Mr. Fuller would also like to review the animal ordinance to potentially make changes to the ordinance. Bernie Carr will have Janet Mondlak put out a message to the businesses requesting they keep the back of their businesses cleaned up. June Kelly asked what other densely populated areas do regarding these types of animals. Ethan Swift stated Burlington has passed an ordinance that significantly limits the number of animals that individuals can have.

It was questioned whether the roads in Park Village are plowed by the town. It was noted that the Compass Music Road is a private road.

11. Old/Other Business

Ethan Swift reported he attended the last Planning Commission meeting to discuss the Neshobe River Watershed forum that will be held on September 7th.

Maria Ammatuna questioned the status of the year-end numbers. The general ledger is closed and Anna Scheck will be reviewing this information on Friday with Glenna Pound. She is also working on the A133 for the state. Ms. Scheck has submitted a report regarding all expenses for grants that are federally funded. She is hoping to complete the final entries with Glenna Pound on Friday. A trial balance will be provided at the next Select Board meeting, however, she is unsure when the financial statement will be available, but she will be discussing this matter with Ms. Pound. Ms. Ammatuna thanked Ms. Scheck for the information on the Town Farm fund. She questioned if information could be provided on what the funds have been spent on. Richard Baker advised there have been no expenditures since the voters approved setting it aside for the sidewalk for Segment 6. The fund has been in existence for 60 years and from the time it was approved for Segment 6, the only activity has been accumulated interest. There is just under \$113,000.00 in this fund.

Devon Fuller received an email from Kevin Thornton about a walking bridge and it would be worthwhile for Mr. McCullough to visit the Select Board to discuss the bridge. Mr. Fuller noted there should be confirmation of a contract within the next couple of days for the town manager's position.

Motion by Ethan Swift/Maria Ammatuna to recess the Select Board at 9:13PM to convene as the Board of Sewer Commissioners. **The motion passed unanimously – 3 to zero.**

The Select Board reconvened at 9:31PM.

Motion by Ethan Swift/Maria Ammatuna to enter into executive session at 9:32PM for the purpose of discussing a contract, with the session to include the town manager. **The motion passed unanimously – 3 to zero.**

12. Possible Executive Session (Contracts/Personnel)

The board came out of executive session at 9:42PM. There were no actions required.

13. Adjournment

Motion by Maria Ammatuna/Ethan Swift to adjourn the Select Board meeting at 9:52PM. **The motion passed unanimously - 3 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary