

**Brandon Select Board Meeting
March 11, 2013**

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

In Attendance: Richard Baker, Blaine Cliver, Ethan Swift, Dave Atherton

Also in Attendance: Keith Arlund, Chris Brickell, Wayne Rausenberger, Kathleen Rausenberger, Lee Kahrs, Allan Leavitt, Frank Spezzano, Ettorino Spezzano, Jeff Stewart, Helyn Anderson, Bernie Carr, Francis Farnsworth, Jim Leary, George Reilly, Dorothy Wigmore, Lisa Kenyon, Mary Austin, Tina Wiles, Robert Kilpeck, Phyllis Reed, Richard Kirby, Bill Orth, Lyn DuMoulin Orth, Norm Milot, Anna Scheck

1. Call to order

The meeting was called to order by Keith Arlund at 7:03PM.

a) Agenda Adoption – Motion by Richard Baker/Ethan Swift to adopt the agenda as written. **The motion passed unanimously – 4 to zero.**

2. Election of Select Board Officers

. Chair - Vice-Chair - Clerk

Motion by Blaine Cliver/Ethan Swift to nominate Devon Fuller as the Board Chairperson of the Select Board. **The motion passed – 3 to 1.**

Motion by Richard Baker/Blaine Cliver to nominate Ethan Swift as the Vice-Chair of the Select Board. **The motion passed unanimously – 4 to zero.**

Motion by Richard Baker/Dave Atherton to nominate Blaine Cliver as the Clerk of the Select Board. **The motion passed unanimously – 4 to zero.**

3. Consent Agenda

a) Approval of Minutes – February 25, 2013 - Select Board

Motion by Dave Atherton/Blaine Cliver to approve the Select Board minutes of February 25, 2013. **The motion passed unanimously – 3 to zero.**

A clarification that the minutes reflect a motion by Devon Fuller to request parking at the Stephen A Douglas. Mr. Baker noted that Mr. Fuller is unable to make motions. Mr. Baker also stated the Paynter/Bullock motion on the last page passed 4 to zero, as Mr. Atherton abstained from voting.

b) Designation of Select Board as Other Statutory Bodies

- a) As representative to Board of Liquor Control (Title 7, Section 166)***
- b) As representative to the Board of Health, (Title 18, Section 604)***
- c) As representative to the Board of Sewer Commissioners (Title 24, Section 3506)***
- d) As representative to the Board of Sewage Disposal Commissioners (Title 24, Section 3614)***
- e) As representative to the Housing Board of Review (Title 24, Section 5005)***

Motion by Dave Atherton/Blaine Cliver, pursuant to the statutory requirements, to appoint the Select Board members as the Brandon Board of Liquor Commissioners. **The motion passed unanimously – 3 to zero.**

Motion by Blaine Cliver/Richard Baker, pursuant to the statutory requirements, to appoint the Select Board members as the Brandon Board of Health. **The motion passed unanimously – 3 to zero.**

Motion by Richard Baker/Dave Atherton, pursuant to the statutory requirements, to appoint the Select Board members as the Brandon Board of Sewer and Sewage Disposal Commissioners. **The motion passed unanimously – 3 to zero.**

Motion by Richard Baker/Dave Atherton, pursuant to the statutory requirements, to appoint the Select Board members as the Brandon Housing Review Board. **The motion passed unanimously – 3 to zero.**

e) Establish Meeting Schedule, Time and Location

Motion by Blaine Cliver/Dave Atherton to maintain the current meeting schedule of every 2nd and 4th Mondays of the month for the Brandon Select Board, unless otherwise noted. **The motion passed unanimously – 3 to zero.**

Motion by Richard Baker/Blaine Cliver to maintain the current meeting time of 7:00PM, with the location for the next meeting at the Brandon Rescue Squad and recognizing that all future meetings to be held at the Town Hall, when possible. **The motion passed unanimously – 3 to zero.**

f) Adopt Meeting Rules and Procedures

Motion by Richard Baker/Dave Atherton to utilize Robert's Rules of Order modified for Small Boards as the operational preference for the Brandon Select Board meetings. **The motion passed unanimously – 3 to zero.**

g) Designate Official Newspaper

Motion by Richard Baker/Blaine Cliver to appoint The Reporter as the designated official newspaper. **The motion passed unanimously – 3 to zero.**

Motion by Richard Baker/Dave Atherton to appoint the Rutland Herald as the alternate newspaper. **The motion passed unanimously – 3 to zero.**

4. Fiscal

a) Warrant – March 11, 2013 – \$73,450.07

Motion by Richard Baker/Blaine Cliver to approve the warrants of March 11, 2013 in the amount of \$73,450.07. **The motion passed unanimously – 3 to zero.**

b) Consider Approval of Mandatory ACH Withdrawals to Vermont Fish & Game for Licenses

Blaine Cliver asked if this is a state requirement. Richard Baker stated there perhaps should be a separate account that would reflect the receipts and they can only take from it what has been put into it. Anna Scheck advised another account can be set up and the licenses are done on line. Richard Baker noted every Thursday they sweep the account. Ethan Swift suggested tabling this item to the next meeting to obtain further information on the subject.

5. Scheduled Reports from Committees and Officials

There was no discussion held. Ethan Swift stated the Board would like to get back on track with regular reporting.

6. Town Manager's Report

Keith Arlund stated most of the staff activities in the last week were preparing for the annual Town Meeting. Under infrastructure, the Segment 6, Phase 1 waterline draft waiver evaluations are being reviewed by VTrans. Patty Coburn stated a response should be received this week. Brian Sanderson, Ray Counter and he met with Omya and L. F. Carter Trucking to discuss traffic control plans during the project and noted there are no major concerns. It is felt they can handle the routing and the Town will keep them informed. Mr. Arlund met with representatives from the Brandon Chamber who have expressed concerns for businesses during the project. The Town has asked for a realistic schedule for the Phase 1 waterline. Patty Coburn requested documents for the Phase 1 construction that will allow VTrans to do their review for the completion of the waiver evaluation reviews for the four properties. Mr. Arlund was advised that the VTrans review can take up to four weeks, but they will try to compress that time. Staff from the Town and the design team have met. The general contractors have been notified and Mr. Ferro continues to work on the bid documents for the contractors identified. Blaine Cliver asked if they have contacted a contractor concerning cutting a hole in the floor and Mr. Arlund noted this has not been done yet. Mr. Arlund has looked into the Wagner Road speed limit issue and there is a statutory process that the Police Chief has reviewed and it is thought that there can be a change made from 35mph to 25mph. An abbreviated study will be completed on this subject. Richard Baker asked when the RFP will be ready to go to contractors for the Town Office. Mr. Arlund advised as soon as the documents are finalized by Mr. Ferro, they will be sent out; however, no definitive date has been set.

. Public Works Report

Mr. Arlund reported the road posting signs are in place and this situation is being monitored. The Public Works Department is doing routine maintenance on the sewer and highway. Ethan Swift thanked the Road Crew for being diligent in working on the trees that were blown down during the storm. It was noted there were many trees that were hung up and in the Town's right-of-way.

8. Citizen's Public Forum

Lyn Orth advised a letter has been sent to The Reporter regarding a revote on the town budget. There is also a petition being circulated calling for a revote. There is no animosity involved and people do not disapprove of anything the board has done, but the taxes are too high for many people to pay, which is the issue. Ms. Orth stated the document will be appearing in The Reporter on Wednesday and provided copies to all Select Board members. She also had a copy of the petition at the meeting for any interested parties wanting to sign it.

Jim Leary questioned the status of the Green Block and noted he hoped that part of the park can be used this summer. He understands that it is dependent upon the hydrology study, but he urged the Select Board to take an active role in using whatever part of the park can be used. Ethan Swift stated this was discussed at the Town Meeting and there is a movement and a process to resolve an issue with an abutting land owner. There is a portion that may be able to be used and it is the desire of the Select Board to try to get this open in a timely fashion. Mr. Leary will be glad to recruit volunteers to help out with this effort. Bernie Carr asked if it is okay to work in the park according to FEMA. Keith Arlund stated there are some components that will have to be put in place that will be compatible with the drainage issues for Route 7. There has been a plan developed for a concrete retaining wall and he has provided Mr. Leary information on this item. The Town is awaiting the results of the hydrology study and there may be something that can be done without jeopardizing the park. It is hoped to have part of the park open for this summer. Bernie Carr stated there are a significant number of people who are willing to work on it. Tina Wiles stated there are liability issues with volunteers and she has an email explaining this issue. Keith Arlund stated there are volunteer provisions in the Town's liability insurance coverage. Ms. Wiles stated the Town needs to be sure the repairs are done to specifications and there are some stability issues. Ethan Swift stated there is a process that is being worked through, including the H & H study, addressing the gully and the parts that are undermined. Some parts of the park are highly erodible and it would be prudent to be sure there is a plan in place to stabilize the area. Mr. Swift stated drainage is a big issue and having some foresight and options, given the flooding issues, is important to be sure the work has been done correctly. Mr. Swift stated the issue with an adjoining landowner needs to be resolved. It was noted the hydraulic study is due March 29th. It was noted there was no question about liability when the volunteers helped to clean up the park after Irene. Ethan Swift stated this was done in order to save the bricks, but the point is there is a potential liability issue and the Town needs to be more thoughtful. Tina Wiles stated there have been liability issues, as the people crossed the lines in the park. Bob Kilpeck asked if it is known how much of the park area is undermined and Ethan Swift stated it is not known how much of the park is undermined, but part of the gazebo is undermined. Mr. Arlund stated the footing in the concrete wall and fence around the gazebo seem to be intact. There is some undermining on the way to the river and that was addressed in the initial plan to put the

park back together. The drainage needs to be put back in place and there will be a line installed as part of the stormwater runoff. It is hoped to work on this park and Kennedy Park this season. Bob Kilpeck stated he had a major issue in the park and was very fortunate to be pulled out during Irene and he feels that entire area is very unstable. The people who went in to get the bricks did cross a line that had been placed because the area was deemed unsafe. Mr. Swift stated the drainage is a big issue and stability and safety are as well. Allan Leavitt advised that he has the bricks that had been collected after the storm.

Norm Milot questioned when someone has a concern and they feel it is legitimate, is there follow up by Town. He asked if the traffic issues can be corrected. Ethan Swift stated communication and transparency are important to the Select Board and a lot of the time there is follow-up behind the scenes and there are next steps outlined with Town staff. In determining the next steps, the process may sometimes take a while in order to make an informed decision. Mr. Swift agreed that things do fall through the cracks sometimes and no one should feel that concerns fall on deaf ears. Oftentimes it may be a matter of who it needs to be directed to. Mr. Swift stated there is an effort to be proactive in doing goal setting sessions and encouraged the public to participate.

Helen Anderson asked if the repair of Park Street and Marble Street and sidewalks are being considered, as well as the 4-way stop sign. Ethan Swift stated the Town continues to make progress with the sidewalks. Keith Arlund stated these issues are on VTrans list and it will be going through the regional track. The Town will continue to work on the sidewalks in the same manner as they have in the last two to three years. Richard Baker stated the reason it is added to the VTrans list is that it will be added to the contractor who is doing the reconstruction of Segment 6. Mr. Baker stated CLD will not necessarily do the design work. Ethan Swift reported the Town is also doing a feasibility study for a sidewalk along North Street. Tina Wiles stated there is a draft travel sidewalk plan to the Forrestbrook Development, down McConnell Road and towards Goshen. This project is being considered through Safe Routes to School through VTrans, which is a national program to provide safe bicycle and walking paths.

Lisa Kenyon questioned if the Rec Director position is open for applications. Ethan Swift stated the process would be to re-advertise the position, providing an opportunity for people to apply for the position. It was questioned if it is a full time position and whether there will be more funding for programs. Ethan Swift stated it is the intent to effectively generate funding through the programs offered. Mr. Swift believes with the position going to full time, it will allow for more time to create programs. Richard Baker stated it is presumed the revenue generated from the programs will be equal to or greater than the cost of the programs that are offered.

George Reilly asked if the hydraulic study would assist with flood mitigation. Ethan Swift stated it will provide for some sort of additional flow capacity as part of the Segment 6 and the Bridge 114 Project. He does not know what type of alternatives it will yield and stated it would require a significant overflow mechanism. He did not know if it would be cost effective to go that way. There should be much more information available on March 29th.

9. Old/Other Business (If Needed)

Richard Baker suggested a job description should be developed for the Rec Director position so that it can be advertised and ready to fill in July. Keith Arlund stated there is a full time Rec Director job description available according to the union contract.

Dave Atherton questioned the status of the Churchill Bridge with regard to replanking before summer to enable its use. Keith Arlund will check with Mr. Sanderson regarding this subject. VAST will not be taking the bridge back and the existing bridge will be used. Dave Atherton will also discuss this matter with Mr. Sanderson. Mr. Arlund reported there will be a final hearing regarding the survey on March 18th at 5PM that will begin at the site and reconvene at the Rescue Squad building.

Bernie Carr stated perhaps the Rec Director position should not be advertised immediately, with the potential reconsideration of the budget.

Ethan Swift stated the American Water Works Association has informed the Brandon Fire District that they are the recipient of the Source Water Award for Medium Size Systems. Mr. Counter has been invited to attend the annual American Water Works Association presentation in Denver, CO in June to receive the award. This award is due to the great efforts that have been done in protecting the water supply in Brandon. The Select Board wishes to congratulate the Brandon Fire District and Mr. Counter on being selected to receive this award.

Motion by Richard Baker/Dave Atherton to recess the Select Board at 7:48PM to convene as the Board of Sewer Commissioners. **The motion passed unanimously – 3 to zero.**

The Select Board reconvened at 8:07PM.

Motion by Richard Baker/Dave Atherton to enter into executive session at 8:08PM for the purpose of discussing personnel, with the session to include the Town Manager and Zoning Administrator. **The motion passed unanimously – 3 to zero.**

12. Possible Executive Session

The Board came out of executive session at 8:52PM. There were no actions required.

14. Adjournment

Motion by Richard Baker/Dave Atherton to adjourn the Select Board meeting at 8:53PM. **The motion passed unanimously - 3 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary