

**Brandon Select Board Meeting
March 24, 2014**

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

In Attendance: Devon Fuller, Blaine Cliver, Ethan Swift, Dave Atherton, Maria Ammatuna

Also in Attendance: Robin Bennett, Chris Brickell, Cindy Bell, Delores Furnari, Linda Stewart, Jeff Stewart, Dick Kirby, Tecari Shuman, Allan Leavitt, Tracy Wyman, Gary Meffe, Jim Leary, Bill Orth, Harry Hunt, Phyllis Reed, Priscilla McKeighan, Bruce Edwards, Steve Bissette, Tina Wiles, Anne Bransfield, Bernie Carr, Lyn Orth, Skip Davis, Lauren McLaughlin, Lisa Alderman, Lee Kahrs, Lisa Kenyon

1. Call to order

The meeting was called to order by Maria Ammatuna at 7:04PM.

a) Agenda Adoption – Motion by Blaine Cliver/Dave Atherton to adopt the agenda. **The motion passed unanimously – 4 to zero.**

2. Consent Agenda

a) Select Board Meeting Minutes – March 10, 2014

Motion by Devon Fuller/Ethan Swift to approve the minutes of the March 24, 2014 Select Board meeting. **The motion passed unanimously – 4 to zero.**

b) Appointments

i) Tree Warden

ii) Fence Viewers (3)

iii) Inspector of Lumber, Shingles and Wood

iv) Weigher of Coal

v) BLSG Insect Control District

Motion by Blaine Cliver/Ethan Swift to appoint Cindy Bell as Tree Warden. **The motion passed unanimously – 4 to zero.**

Motion by Devon Fuller/Dave Atherton to appoint Seth Clifford, John Wilson and Susan Benedict as Fence Viewers. **The motion passed unanimously – 4 to zero.**

Motion by Blaine Cliver/Dave Atherton to appoint John Reynolds as the Inspector of Lumber, Shingles and Wood. **The motion passed unanimously – 4 to zero.**

Motion by Ethan Swift/Blaine Cliver to appoint Lou Faivre as the Weigher of Coal. **The motion passed unanimously – 4 to zero.**

Motion by Devon Fuller/Blaine Cliver to appoint Wayne Rausenberger as the Brandon Representative to the BLSG Insect Control District. **The motion passed unanimously – 4 to zero.**

3. Public Comment

Jeff Stewart asked if there will be considerations made on the appointed positions for the Tree Committee and the Route 7 Steering Committee. Maria Ammatuna noted this is one of the subjects that will be discussed later in the agenda. The appointments just motioned are state mandated positions. Jeff Stewart recommended Mary Cliver for the Tree Committee.

Bernie Carr questioned the status of Green Park, as there was some work that had been planned to be done last August. Maria Ammatuna advised this is one of the 28 projects the town is waiting to hear back from FEMA. Devon Fuller stated the overflow structure was the issue that prevented the work last August. If work had been done, it could have affected the funding for the overflow structure, as the work has to follow the worksheet. Maria Ammatuna stated the ownership of the land is a question and there has to be work done on the legalities. Robin Bennett stated it is thought that the town can partially restore both of the parks once winter is over and is a high priority for staff. Cindy Bell stated it appears from the newsletter that the Chamber is going to be the coordinating factor with the waterline project. It was noted the Chamber wants to have the ability to get timely information to the downtown businesses and downtown residents regarding the waterline. George DuPont of Aldrich and Elliott is prepared to keep the town well informed, as it will be important to have instant communications for the businesses.

Delores Furnari questioned the status of the land that is in the name of the former Brandon House of Pizza owner. It was noted a certified letter has been sent to them, however, the town has received no response, and the next step will be a tax sale. Robin Bennett reported this process will be done after May 15th, as there is a legal process to follow.

4. FY 14/15 Budget Timeline

It was recommended the Budget Committee meetings be held in conjunction with the Select Board budget meetings. Mr. Cliver suggested the Select Board meet with the Budget Committee to discuss the process and how it can be improved upon. Mr. Fuller was in agreement. Ethan Swift suggested a review and categorization of the written and verbal input received and to discuss the specific line items that are problematic. Mr. Fuller noted it is a 4% spending increase, with the problem being the revenue and the difficult part will be deciding how the revenue can be increased. Maria Ammatuna suggested keeping the introduction session to an hour and to have a packet of information developed for the first meeting that will include year-to-date actuals, copies of

audit report available from FY09 forward (or electronic copies), the budget model shell that was sent to the voters, budget highlights, the salary sheets the Budget Committee received last time, job responsibilities by position and tax rate sheets. Ms. Ammatuna stated everyone on the original Budget Committee has agreed to continue. Bill Orth agreed to participate on the Budget Committee, but will be unavailable from April 2nd through April 10th.

The first joint meeting was set for Monday, March 31st @ 6:00PM at the Stephen A. Douglas House and the second 2-hour work session was scheduled for Friday, April 4th @ 6:00PM. Bernie Carr will check whether the room is available and will advise Ms. Ammatuna. The meeting will be warned for the public, but there will be no public participation and business will be conducted by only the Select Board and the Budget Committee. It was noted there could potentially be multiple votes done prior to July 1st. Ms. Bennett recommended the process be done in a timely manner and suggested developing a timeline this evening. The new draft budget would need to be approved by the Select Board once it is developed by the Select Board and the Budget Committee. May 6th was the recommended date for the first revote. If the initial revote did not pass, the next vote would be June 10th. The Select Board approval of the draft budget will take place during the April 14th Select Board meeting. The public informational meeting will be held May 5th @ 7:00PM at the Neshobe School.

5. Lister/Assessor Transition

Robin Bennett provided a copy of the proposed agreement with NEMRC, which is an expansion of what they are currently providing to the town. This 15-month contract would bring them in line with the fiscal year cycle to coincide with the budget year. Ms. Bennett has reviewed the contract with NEMRC and recommends the Board approve the agreement. The town will be staffing the Lister's office to assist in the transition and training.

Motion by Blaine Cliver/Dave Atherton to approve the NEMRC assessor's agreement as presented. **The motion passed unanimously – 4 to zero.**

Maria Ammatuna stated Delores Furnari will be remaining to assist with the transition activities, which would include grievances that will be held on May 22nd and May 27th, building permits, updates that are due for the current use program and the remaining entries for the HS122 process. Once grievances are complete, there will also be the BCA hearings and preparation of the grand list.

6. HMGP Application

Robin Bennett provided the Select Board a list of 12 potential projects for grant applications. A letter of intent is required by April 1st. The overflow culvert was one of the grants applied for through this program. Ms. Bennett questioned if the Select Board would like to begin grant applications for any of the project noted. Tina Wiles stated there is grant money remaining and the intent is to use the funds for infrastructure mitigation

projects, such as the Wheeler Road Bridge, the Champlain pump station or the wastewater treatment plant. Devon Fuller stated the Champlain pump station and the wastewater treatment plant would be important projects. The grants are 75% funding, with a 25% town match. Tina Wiles stated there are potential for other matches. Robin Bennett stated the Champlain pump station would be a high priority. Ethan Swift stated there was an LTF grant for the Wheeler Road Bridge and Ms. Wiles stated this was changed to just engineering. She suggested going ahead with the grant and take both the engineering and the undersized bridge for one grant. Mr. Swift stated the bridge needs to be significantly longer and it would assist with flood mitigation on Wheeler Road, as well as upstream and downstream. Ms. Wiles noted the pump station has also been flooded several times. Mr. Swift stated the HMPG grants are for mitigating flooding in the future. With the wastewater treatment plant, it would allow funding to build structures to mitigate the potential future damage to existing equipment. Ms. Wiles stated these would not be in the budget year and she would surmise the grants would be in FY15/16. Mr. Swift stated the Champlain pump station is in need of upgrades and would provide the opportunity to address the needs. Ms. Wiles noted the wastewater plant and the Wheeler Road Bridge are in the Flood Mitigation Plan. Ms. Wiles advised all 12 projects could be included in the letter of intent to leave options open. Anne Bransfield stated the Regional Planning Commission has offered assistance for towns interested in pursuing these grants. Tina Wiles stated they want to know what the town is interested in applying for and when the projects are put on the letter of intent, they could potentially provide other alternate grants that available.

Motion Ethan Swift/Blaine Cliver to approve sending a letter of intent for the proposed HMPG projects, as outlined in Robin Bennett's memo of March 24, 2014. **The motion passed unanimously – 4 to zero.**

7. Town Office Project

Maria Ammatuna stated repairs of the roofline between the town office and the Leary property are being done and discussion is needed on further repairs. Robert Black had provided an outline of repairs that includes a timeline for completion, with many of the items to be worked on simultaneously and the completion to be around the December timeframe. Blaine Cliver stated there is slack time built into the process to provide flexibility. Robin Bennett noted staff, with the assistance of the VDAT Team, is working to get the grant in motion. Ms. Bennett is getting an estimate of the scope of the project and will determine what the ask will be for the grant. It will be 30 to 60 days before it is known what the town will receive. The end of April is the timeline for submitting the grant. Ms. Ammatuna would like to clarify the roles and responsibility between the Select Board, Design Committee, Town Manager and Town Agent; and to adopt a timeline, if agreeable. The Town Manager will be the Project Manager. Blaine Cliver stated Robert Black had been appointed as the Town Agent, as it is important to have someone in that position with expertise. He would need to have some responsibility to get estimates from contractors. Mr. Cliver noted if there needs to be a change; the Town Agent would work it out and go to Ms. Bennett for approval. Ethan Swift stated Mr. Black could do the coordination work, but Ms. Bennett needs to make the fiscal decisions. Mr. Cliver stated

the town will also need Mr. Black when the construction starts. Ethan Swift stated once going to general contracting, Mr. Black's expertise will be helpful, however, the funding will need to be determined first. Maria Ammatuna stated the Select Board needs to establish the person who will be the Town Agent that will report to the Town Manager. The Town Manager will be the liaison with the Select Board, as the Select Board will not be managing the project. Mr. Ferro has been the architect on the project. Mr. Cliver asked if Ms. Bennett would like to see things different. Ms. Bennett stated the timeline is fine and the staff is trying to move it forward every day. Jeff Stewart stated Mr. Cliver, Mr. Ferro and Mr. Black did this as voluntary work and not as part of the Design Committee's activities. With the grant having a 10% match that can include payment in kind; it would be good to have each of the architects' work listed separately. Ms. Ammatuna requested the Town Office Project be included as an agenda item going forward.

8. Waterline/Segment 6/Bridge 114 Projects

Robin Bennett provided a schedule for Segment 6 to the Select Board that had been proposed to VTrans, which will take the project up to construction. The major item is trying to get the application for a minor amendment to the Act 250 permit. The largest items of concern are being addressed right now, such as the parking for the Stephen Douglas House. Maria Ammatuna questioned clarification of the Right of Way Public Outreach section. Ms. Bennett stated this is the easier of the groups of right of ways that will begin in April. The right of way activity with the property valuations will begin around the middle of May, ending the middle of August. The rights of ways are the biggest unknowns and will depend on the property owners. There is pressure from VTrans to not submit changes that would trigger Act 250. Barring an Act 250 review, this process would take the longest time. The town has received permission to move ahead with the easy group, which is about 1/3 of the rights of ways needed and a letter will be approved in the next week. The letters will likely be mailed in the next couple of weeks. There will be property owner informational meetings scheduled. Ms. Bennett received information from O'Brien and Kaffenberger, Inc. that there are 8 parcels that require the most attention for appraising. The town had asked for a firmer price and the appraiser has provided information on the parcels that would range between \$15,000.00 and \$20,000.00 per parcel. Ms. Bennett will obtain information on what the remainder will cost for an overall picture. Mr. Cliver asked how close CLD is to the final plan. Ms. Bennett stated they are probably at about 80%; however, the project cannot wait until it is 100%. Mr. Cliver stated there is a question of whether VTrans is going to change anything that the town has requested, and if so, why. Devon Fuller stated VTrans has indicated they need to hear from the town. Ms. Bennett stated the town is at the point if VTrans takes a hard line on changes the town has requested, there needs to be a decisions on what to do. Letters of support and additional information has been provided to VTrans, but they have not currently signed off on all items. Ms. Bennett stated the town had its chance to weigh in on this project and the input periods were a while ago. She is unsure if their stance would have been different. This will not be the final price and she suggested waiting to get the entire picture before approving.

Robin Bennett stated with regard to Bridge 114, she needs to know if the Select Board wants CLD to prepare the computer renderings for the different options. The town needs to come up with the design option and VTrans has recommended doing the next step with CLD. They will provide the options based on the meeting that was held between CLD, VHB and VTrans. VTrans is concerned with the functionality, but are not as concerned with the aesthetics. Ms. Bennett recommended going with CLD for this project. Mr. Cliver asked if there will be information provided for the deterioration of the other side of the bridge. VHB has not put this forward to CLD, as they did not know if the town wanted to proceed with CLD. Ms. Bennett stated it would make sense to make a change at the next step and not this one, and to move forward with CLD through this process.

Motion by Devon Fuller/Blaine Cliver to authorize CLD to do the preliminary design study of Bridge 114 and to review the open side of the bridge. **The motion passed unanimously – 4 to zero.**

Robin Bennett questioned whether the town would want to widen the bridge to cover the sidewalk area instead of a separate pedestrian bridge. Blaine Cliver stated this is something that could be looked at and the engineer from CLD had suggested this in earlier discussions, however, it would be more costly. It was suggested that Ms. Bennett obtain the details of what they would propose doing. Ms. Bennett questioned whether the town would want to remove the slab, which would narrow West Seminary Street significantly and would require a discussion with VTrans. Blaine Cliver stated this would open up a lot of problems and the concern would be what is underneath. It was questioned if there is a better way to get the water to flow, other than opening up this area. Ethan Swift stated various options have been discussed and less costly options could be explored. Ms. Bennett questioned whether the Select Board would want to schedule in the scope of work more meeting time, such as a public meeting or meeting with the Design Committee. There was a consensus of the Board to approve additional meeting time in the scope of work.

Ms. Bennett reported the waterline project will be starting very soon.

9. Town Manager's Report

Robin Bennett reported there will be a new format for the next Select Board meeting. The website is about a week away from going live. Ms. Bennett stated there was a question about the appropriations with regard to the budget and she noted that appropriations will not be included in the revote as they are stand-alone votes.

10. Other Business

Devon Fuller suggested adding Mr. Whittaker's road take-over request that had been tabled from the November 13th meeting to the next agenda. Robin Bennett stated the Road Acceptance Policy will be reviewed and this may want to be discussed at the same time. The naming of the road is a separate issue. What has been proposed by staff is to

name the loop all part of Prospect Street and retire Leonard Lane, from an E911 point of view.

Devon Fuller recommended the Select Board schedule an organizational workshop to discuss positions that have not been filled and to discuss splitting up responsibilities of the Select Board be more efficient. Ethan Swift stated there are a number of appointed positions that are either vacant or terms are to expire soon. He agreed that a meeting would be helpful to discuss how to reinvigorate some of the committees and determine how to get people to fill the positions.

Dave Atherton stated the town just voted by ballot to get rid of the Constable position and asked what the next step would be. Robin Bennett stated the Select Board needs to decide whether they want to appoint a Constable, or it can be left vacant. Ms. Bennett is considering advertising for an Animal Control/Rental Code/Health Officer all in one position. Blaine Cliver agreed this is a good idea. Ms. Bennett recommended leaving the Constable position vacant. The statute has been the same for quite some time and the Constable is very limited in what they can do.

Robin Bennett stated the Planning Commission would like to readopt the current Town Plan and to continue to work on a new Plan. Anne Bransfield reported the Planning Commission was awarded a municipal planning grant that will be used for the update work. A draft plan has been sent to the adjoining communities, to the state and to the Regional Planning Commission for review. The Regional Planning Commission had suggested two small changes; 1) the town would reapply for the Main Street Program that expires in 2017 and 2) the inclusion of hazard mitigation language. The Planning Commission has scheduled a hearing for April 7th regarding the Town Plan and Ms. Bransfield requested the Select Board schedule two hearings, to enable re-adoption prior to the May 18th expiration date. With the recommended changes made, if adopted, the Plan would be good for another five years. The Select Board hearings will be scheduled for May 12th at 6:30PM and May 13th at 6:30PM. Ms. Bransfield advised the Regional Planning Commission has reviewed the changes and has preliminarily approved it. Dave Atherton questioned whether there is going to be a Brandon Rep to the Regional Planning Commission. This appointment will be added to the list of appointments to be discussed.

Maria Ammatuna invited the Planning Commission to attend the Budget meeting to review the Capital Improvement Plan and also recommended Ms. Bennett invite Sue Gage.

Robin Bennett reported there has been some back and forth discussions regarding the overflow grant; however, there is still no indication of when a response will be received on whether it has been approved.

Maria Ammatuna questioned whether the town assesses fines on rental code violations. Ms. Bennett does not believe anything has been collected recently, but letters have been sent as a follow-up.

It was suggested Briggs Lane be added to the agenda for discussion at a future meeting. Ms. Ammatuna stated it appears this is a Class 4 road, as there has been no further information indicating that it is a private road. Ethan Swift stated this is on the list for potential projects for the HMPG.

Tina Wiles reported the final information has been submitted for the Newton Road grant that had been requested. Ms. Wiles does not expect that anything will be received back for a couple of months. Additional information was also submitted for the Culvert grant.

Linda Stewart questioned the language on the ballot for the Constable as to whether it had indicated it was going to be appointed or eliminated. It was noted the wording had indicated the position would be eliminated.

11. Fiscal

a) Warrant – March 24, 2014 – \$96,182.50

Motion by Devon Fuller/Blaine Cliver to approve the warrants of March 24, 2014 in the amount of \$96,182.50. **The motion passed unanimously – 4 to zero.**

b) Consider Wastewater Fund Warrant – March 24, 21041 - \$25,316.35

Motion by Dave Atherton/Blaine Cliver to approve the Wastewater warrant of March 24, 2014 in the amount of \$25,316.35. **The motion passed unanimously – 4 to zero.**

Maria Ammatuna stated in the Select Board packets, there is a Trial Balance Report to show encumbrances, a Revenue Report and a Budget Status Report that will provide last year actuals, the full year actuals and the current year-to-date actuals.

14. Executive Session 1 V.S.A.313 (a) (1)

There was no executive session held.

16. Adjournment

Motion by Devon Fuller/Ethan Swift to adjourn the Select Board meeting at 9:29PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary