

**Brandon Select Board Meeting
April 14, 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, Cindy Bell, Linda Stewart, Jeff Stewart, Allan Leavitt, Tracy Wyman, Gary Meffe, Phyllis Reed, Priscilla McKeighan, Bruce Edwards, Steve Bissette, Bernie Carr, Steve Carr, Butch Shaw, Chris Brickell, Janet Coolidge, Sue Gage, Richard Baker, Korina McDonough, Doug Sawyer, Tina Wiles, Harry Hunt, Judi Bunde

1. Call to order

The meeting was called to order by Maria Ammatuna at 7:08PM.

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

Agenda amended to add Item 2b) Budget Recommendations and 2c) VTrans letter.

2. Consent Agenda

a) Select Board Meeting Minutes – March 24, 2014

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

The meeting date to read March 24, 2014 and a correction to the spelling of Dolores Furnari's name.

b) Budget Recommendations from the Budget Committee

Janet Coolidge stated the Budget Committee has met during four separate meetings and has submitted a letter with recommendations to the town. Ms. Coolidge read the following:

"I've attached the handout given at Wednesday, April 9 meeting for those that were not in attendance. Many ideas and suggestions were raised and Ms. Bennett did not feel the line items could be changed. We accept all changes on the attached sheet except for eliminating a Police Officer. The voters wanted 24x7 cover. We also recommend removing the \$15,000 surplus line. We also felt the Office Supplies could go down. I

personally think the Office Supplies lines that increased should not be increased with a reduction of \$700.

*Respectfully submitted,
Janet Coolidge
Budget Committee Chairperson”*

Ms. Coolidge stated in the Rutland Herald, it was written that the Committee had recommended reducing a Public Works position and she wished to clarify that Robin Bennett had indicated that she would consider reducing a Public Works position rather than a Police position.

The budget committee accepted all of the following recommendations:

Administration Salaries	-35,960.00
Administration FICA	- 2,750.00
Administration Town Reports	2,000.00
Public Works Health	2,685.00
Lister Service Contracts	1,500.00
Lister Salaries	-22,000.00
Lister FICA	-1,700.00
Lister Assessor Contract	16,000.00
Lister Travel	-200.00
Lister Dues/Subscription	-200.00
Lister Professional Development	-300.00
Lister Telephone	-300.00
Administration Taxes Sale FY13/14	4,000.00
Police FICA (FY13/14)	9.00
Surplus	-15,000.00

The Committee also recommended the \$15,000.00 for contingency repairs be removed. The voters had expressed concern about having this funding in the budget and it is felt that it would be a good faith effort that the Committee is listening to the voters to reduce this amount. Devon Fuller stated the removal of the \$15,000.00 is a gamble.

Maria Ammatuna thanked the Budget Committee on behalf of the Select Board and special recognition to Chief Brickell, Brian Sanderson and Robin Bennett for their extra efforts with the budget. Dave Atherton stated the town will be headed back into the same situation next year, as there are no savings and if there is another Irene there will be no funds for repairs. Maria Ammatuna stated based on the current budget and what has been spent, the town may have a remaining balance of \$51,200.00. Robin Bennett stated efforts are being made to break even and there will likely not be a surplus. The proposed budget with the recommended reductions from the Budget Committee would equate to a 2.2% increase over the current budget. The town does not anticipate getting all of the revenue that was anticipated to receive. Devon Fuller stated the idea of a projected year end budget was likely looking at grants the town had not received, and

this is money that cannot be counted on. Phyllis Reed stated she did not participate in these recommendations, as she was out of town. She requested clarification of the \$35,960.00 in the reductions. Ms. Bennett reported this was a correction for a person that was entered at 40 hours, however is a part-time person. Bernie Carr asked if there is an equipment replacement fund in the budget. It was noted this is now known as the Capital Improvement Plan and is minimally funded for the Police and some for Administration, but there is nothing in the budget for Public Works. Bernie Carr stated one of the major items the Taxpayer Committee had done was the establishment of an equipment replacement line, as it is difficult to come up with the funding for larger priced items. Devon Fuller stated the Capital Improvement Fund was in the original budget, but it has been eliminated. The town will never get ahead if the town does not start funding a Capital Improvement Plan. Ethan Swift expressed concern this will extend replacements by a year and it is his concern that level funding the budget will delaying inevitable cost. Blaine Cliver concurred with Mr. Fuller and Mr. Swift. Dave Atherton stated the Select Board has taken out a lot of funds for improvement and there is nothing else to cut other than services. Robin Bennett stated some of the changes are reclassifying some of the items and the changes would reflect a difference of \$57,000.00 between the last proposed budget and this budget. There are no changes to the Police Department.

It was noted that a tax sale will help incrementally. People will have to be made accountable for their taxes. Linda Stewart stated at the last meeting, much of the focus was on how to sell the budget to the townspeople. This is a key aspect of the proposed budget and there needs to be a budget that will pass. Ethan Swift stated it is an extremely lean budget and the next step would be to reduce services in eliminating positions.

A warning for the revote of the Town of Brandon budget on May 6th and an information meeting to be held on May 5th at 7:00PM at the Neshobe School was presented to the Select Board for approval.

Motion by Dave Atherton/Blaine Cliver to approve the proposed FY15 Brandon Town budget in the amount of \$3,218,670.00 with \$2,613.995 to be raised by taxes. **The motion passed unanimously – 4 to zero.**

Motion by Devon Fuller/Blaine Cliver to approve the warning for the budget revote to be held Tuesday, May 6th from 7:00AM to 7:00PM at the Neshobe School. **The motion passed unanimously – 4 to zero.**

c) VTrans letter

Representatives Steve Carr and Butch Shaw were present to discuss the letter the Select Board received from VTrans concerning the Segment 6 project. Mr. Carr reported the local representatives met with the Transportation Department to review the letter. There is concern with the timeline of the project and VTrans wants to be sure the town is aware the March 2016 timeframe is when VTrans wants to begin the project.

They noted the project had been agreed upon and the proposed design changes are a concern that reworking the project will cause more money and delays. There were specific references made and they have cautioned that it is critical to move the project forward and any changes that had not been approved, the town has the prospect of doing them on their own dollar. If there are changes that could cause an Act 250 process, VTrans does not want to get into this process again. It has been clear that they are serious that this has to move forward and they pointed out that there are many projects that are ready to go. It is critical and a must to work to the March 2016 take-off of the project. If there are satellite conversations, they cannot be part of the main drive. It was seriously presented to the representatives and Mr. Carr would be glad to help facilitate further discussion with the state. Representative Butch Shaw was very surprised when they received a call to attend the meeting to review the transportation letter. They knew that the project is under some pressure. This project has been in the front of the book and the money keeps getting moved back and the more it gets moved back, the more danger there is the project will be moved off the book. Segment 3 and 4 have been moved off the book for a couple of years due to some issues and it is important to keep this project moving forward.

Blaine Cliver thanked the representatives for their information and noted the letter could have provided some specifics. On August 27th, the town wrote a letter to the Secretary of Transportation outlining design changes the DBA had suggested that included the adjustment to Central Park to allow more space and the suggestion the band stand be moved. In response, there is a letter from Patty Coburn that indicates there were concerns with the management of the project. It read that significant design changes would require another review and the changes were known at that time. The letter just received provides no specifics and Mr. Cliver asked why the design changes have been found to be not consistent with the project. It was suggested the Representatives help the town with arranging a meeting with VTrans. The town has invested money in this effort and the changes would improve safety. Dave Atherton was under the assumption a lot of the changes had been approved and is unsure why VTrans is not on board. Ethan Swift sees the need to shepherd this along and also agrees there was concurrence with some of the changes. It was understood there were concerns regarding the changes to Carver/Union Streets and the additional parking spaces at the Stephen Douglas House, but it was thought the earlier changes had been accepted. The original design changes were warranted and did not require additional traffic studies and in Mr. Swift's discussion with the Act 250 coordinator, the non-inclusion of the 2nd set of traffic lights required only a minor amendment and seemed more of an administrative matter that did not require opening up the storm water permits. If that is still the case, the changes should be incorporated, as funds have been spent to increase the size of Central Park. Devon Fuller asked what delays the town has caused. He would like to read the cooperative agreement from VTrans before making any decisions. Steve Carr stated in the letter there is a concern about reapplying for an Act 250 process and that is what potentially is the critical part of the concern. He agrees there should be a meeting to air the concerns to move this project forward. Mr. Fuller stated the changes made would not require an Act 250 process and the town has been told that none of the changes should trigger this. The Representatives agreed to

facilitate a meeting to finalize the mutual understanding. Mr. Fuller agreed the project needs to be moved along and requested clarification of the delays. It was suggested Ms. Bennett send a letter to VTrans asking for more details and to set up a meeting to clarify the issues. Robin Bennett stated there was a meeting with VTrans, Historic Preservation and CLD to assure there would be no cause for Act 250. She stated there were several items that needed to be amended, such as the Stephen A. Douglas House parking spaces. At the end of the week, there was a different conversation about these items and there was potentially some other issues going on. VHB had asked some questions about some scenarios, but a hard fast schedule was not submitted. It was just a question whether things could be done. Ms. Bennett had asked VTrans whether they would like to attend this meeting and they declined. Devon Fuller appreciates that VHB has been researching the problems, as this project needs to be driven forward. It was known that they were having a hard time with the crosswalks in front of the post office and the parking at the Stephen A. Douglas House. The park is an important issue and he would like to work with VHB to get some of these changes through. Butch Shaw stated it is important to expedite this process as it is a hot topic. Maria Ammatuna stated a timeline will be put together and there will be a united front going forward.

Judi Bunde thought the delay was due to getting this project and the Bridge 114 project combined, as the town thought it was more important to do the projects together. The overflow grant has been a cause for this delay. It was thought the state should be reminded of the other project, as the letter focuses only on Segment 6 and gives no consideration to the bridge project. Robin Bennett stated at this time, the state's interest is not in Bridge 114 or the overflow in order to achieve their goal. Maria Ammatuna stated there are critical path times and there is a longer period of time for the rights of way.

3. Public Comment

There was no discussion held.

4. Bridge Inspection Report

Maria Ammatuna advised the Board has received a report on the VTrans bridge inspections. It was noted that Bridge 114 is not in good shape and the report highlights that Bridge 23 is in the worst shape. An overview of the condition of the bridges was discussed:

Bridge 5 – is in good condition, but the beam ends need cleaning, painting and greasing to deter further section loss from corrosion.

Bridge 114 – is in satisfactory condition, recent repairs are holding up well. Heavy scaling along footing between spans should be reconditioned.

Bridge 11 – is in good shape. Pavement could use upgrading.

Bridge 12 – is in good condition. The eastern clearance sign post needs repair, as it is tipping over. Consider moving the caution signs in closer vicinity of the bridge. Consider installing new load posting signs for 20,000 lbs. per State statute for wood deck bridges

on Class 2 town highways. The eastern portal has been hit by an over height vehicle since the last inspection with a few boards partially pulled away with chips along their lower ends.

Bridge 23 – this bridge has been voted for appropriations. The southern abutment needs repair work. Bridge rail also has some damage that needs attention. A letter dated 7/28/11 outlines the damage and repair recommendations.

Bridge 24 – is in good condition. Wearing surface could use repair at the south end.

Bridge 25 – The steel superstructure could use some spot cleaning and painting.

Abutment #1 could use some repointing to correct some distress along its lower front. Consider the installation of some jagged boulder riprap along abutment #1 to mitigate scour and any further erosion. Judging from past photographs of the abutments and the channel prior to compared to now. TS Irene had very little effect. Brian Sanderson has been in touch with the Pittsford Road Foreman, as the Pittsford/Brandon town line is believed to run down the middle of the river and is half owned by Pittsford.

Brian Sanderson stated some of the repairs have been addressed. Devon Fuller stated this is one of the reasons the town needs a Capital Improvement Plan to be able to deal with these types of issues. Priscilla McKeighan suggested more of the manual labor could be done by the correctional people.

It was noted the town is within the state standards. Mr. Sanderson can look into federal standards; however, he noted the bridges are not on the Federal Highway System. Mr. Baker expressed concern about the town being liable for returning the \$150,000.00 grant for the Churchill Bridge. It is noted in the report that the bridge is no longer being inspected. Ethan Swift stated the grant is through the Forest Service and the town could be liable if the project is not moved forward. Richard Baker suggested placing a statement in the report regarding this bridge.

5. Highway and Highway Acceptance Policy

Ethan Swift stated the Select Board has received some guidance on this subject at the Select Board Institute and he has not had a chance to review the document to determine if it conforms. It does site statute and the process that needs to be followed. He asked if this was built from a template. Tina Wiles reported it was based on the Highway Handbook and some forms from the VLCT website. It was slightly modified for the town, as some standards have already been adopted with the Road and Bridge Standards. The town had a Road and Bridge standard, but this is a new policy. Devon Fuller stated this policy was to be used for consideration of Mr. Whittaker's request. Ethan Swift noted the town did not follow the correct process in reviewing Mr. Whittaker's road. Discontinuing a road is a statutory process and there is mention of it in the policy. Ethan Swift stated there is information about roads that are proposed to be built with regard to design specifications but he does not see where there is information regarding pre-existing roads being offered up for acceptance by the town. Tina Wiles advised there are statutory regulations concerning this process. Mr. Swift suggested a reference to the public process and Ms. Wiles stated the information may already be in

the document, which she will verify. Mr. Swift suggested tabling this item to a subsequent meeting.

6. Brandon Town Plan

Maria Ammatuna advised the Select Board has received a letter from Anne Bransfield of the Brandon Planning Commission regarding the re-adoption of the Town Plan with changes in the Economic Development section for compliance with new requirements effective July 1st and changes in the Natural Resource section relating to flood resilient communities. The Select Board hearings on the Town Plan re-adoption are scheduled for May 12th and May 13th. Tina Wiles reported the Select Board's hearings have been warned.

7. Brandon Local Emergency Operations Plan

Maria Ammatuna stated having an Emergency Operations Plan in place will assist in obtaining funding in the event of damage as the result of an emergency. There are elements of flood mitigation built into the zoning and the Zoning Administrator is the Flood Plain Manager.

Motion by Devon Fuller/Blaine Cliver to approve the Local Emergency Operation Plan, as presented. **The motion passed unanimously – 4 to zero.**

Ethan Swift stated there is a municipal guide in accordance to the Vermont law and he suggested at some point this guide should be referenced for protective measures through river management. Tina Wiles noted additional guidelines can be added to this plan; however, approval of the plan will bring the town back into compliance. Tina Wiles stated all plans have been required to be revised this year. Tina Wiles stated this is not the entire document and any supplemental information can be changed, however, it is important to have the right people noted in the right places. The Emergency Management Director needs to be appointed. It was noted that Robin Bennett will be completing the 402 Class.

Motion by Devon Fuller/Blaine Cliver to appoint Robin Bennett as the Emergency Management Director. **The motion passed unanimously – 4 to zero.**

Ethan Swift asked if this is something Ms. Bennett feels comfortable doing, as there is emergency management staff, such as Chief Brickell. Robin Bennett stated there is a difference between the Emergency Management Director and the Incident Commander. Tina Wiles stated they do not recommend having a fire chief or police chief as the Emergency Management Director, as they would likely be appointed as an Incident Commander. The intent is having a point person who can do the coordination.

Motion by Devon Fuller/Dave Atherton to adopt the National Incident Management System. **The motion passed unanimously – 4 to zero.**

8. Delinquent Taxes

Robin Bennett stated the last payment for this year's taxes are due in about a month. After that point, people will incur an 8% penalty. The tax collection process will begin with tax sales after May 15th. There are a significant amount of accounts on this list and the tax sales will include both sewer and property taxes, with the two being linked to each property. If a property has been outstanding for a previous tax year, the penalty had already been incurred. Letters will be sent stating what the process will be and requesting payment on the accounts. Sue Gage reported she is working on the ability to pay with credit card; however, the taxpayer would incur an additional 3% to 5% charge for this service, as the banks will charge for this service and the town will pass the fees on to the taxpayer.

9. Mosquito District Appointment

Motion by Ethan Swift/Dave Atherton to appoint Jeremy MacLachlan as the Mosquito District Representative. **The motion passed unanimously – 4 to zero.**

Maria Ammatuna asked if an Alternate is also required. It was noted there are two representatives from Brandon and an Alternate is not required.

10. Rutland Region Transportation Council

It was questioned whether the town had solicited letters of interest for the Transportation Council and the Regional Planning Commission open positions. Robin Bennett stated she will go through the listing of open positions and place an advertisement in the paper. Maria Ammatuna noted there is still an open appointment for the Tree Committee.

11. Rutland Regional Planning Commission

This position will be advertised as noted above.

12. Town Office Project

Robin Bennett stated the town is trying to submit for a grant for this project and have run into an environmental roadblock due to the oil tank that was removed last fall at the town hall. The town office has been linked to the town hall and there is an effort to separate the two sites, as the insurance claims had been processed together. There is an environmental portion of this application and Phase 1 will need to be completed. The issue is largely due to the problem with the town hall and once that property is separated from the town office, it will move the grant along. She will be talking to the state to make a case for separating the claims for the project. It is hoped that by the next meeting there will be additional information on this subject. The roof work is complete on the town office building. There are repair monies that have been added to

the FY15 budget. The additional work on the roof could be a designated project for FY15 and could be part of the grant. It was noted this is a separate insurance claim from the Irene insurance claim.

13. Waterline/Segment 6/Bridge 114 Projects

Robin Bennett stated the waterline project has begun and the detour started last Friday. The pipe went across the river today. Bernie Carr stated the PR person for the project has been very good with communications.

Judi Bunde asked if there has been any incidents with the change in rerouting the road. Ethan Swift has spoken with Lieutenant Pulsifer and it was noted there have not been any incidents.

14. Town Manager's Report

Robin Bennett reported the town's website should be up and running by the end of the week, once the email address is resolved. With regard to the wastewater repair on Middle Road, there has been \$5,500.00 of expenses incurred and there will be additional charges incurred. An RFP has been submitted to repair the line and bids ranging from \$26,000.00 to \$92,000.00 have been received. A plan will be developed and submitted to the Select Board for action. Rena McDonough stated the manhole near their home is a big problem and is very frustrating, as it affects how many times they can flush the toilet and do laundry. This is a health risk and a liability and is right at the end of her driveway. She requested a permanent solution be done. This has been an issue going on for years for her neighbors and 6 months for their home. Robin Bennett stated consideration will be given to the two middle range bids. Ms. Bennett is not aware of emergency-type grant options and this will be discussed during the Sewer Commissioner's meeting. There needs to be a number of actions taken in the wastewater district. Maria Ammatuna asked if all of the sewer rents were collected, would it pay for these types of items. Ms. Bennett advised the rates would be to cover the budget and has not happened in the past. The town needs to collect the many outstanding sewer bills as it hurts cash flow and the town needs to raise the rates for capital improvements. The Wastewater Board will be coming to the Select Board with a plan. Ms. Bennett reported all direct report evaluations will be done in the next 30 days. The Sidewalk survey is complete and the town will need funding to upgrade them. The Culvert survey will be completed by June 30, 2014. Ms. Bennett will be working with the Fire Department on the sewer/water collection efforts. Goal setting will be done in conjunction with the employee evaluations. Blaine Cliver requested a report on the sewer lines for the next meeting. Mr. Sanderson reported the culvert inventory is more of a task than originally thought. He is working on this inventory, which also includes driveway culverts and will be included in the grant. Mr. Sanderson will meet with the Regional Planning Commission. This will be part of the grant through the Better Back Roads. A special Select Board meeting will be scheduled for 5PM on April 21st.

15. Other Business

Dave Atherton was provided a copy of the Leicester budget and noted it provided comment lines for changes made and thought this was a good idea and would be helpful to incorporate in the town's budget for future budget-building. A copy of the budget was provided to Ms. Bennett.

Judi Bunde questioned the status of posting for the Economic Development Officer position. Robin Bennett has been discussing an interim position with an individual, but has no proposal at this point for the Board's consideration. Ultimately the town will look for a permanent replacement, but for the interim there may be a contracted person. Judi Bunde questioned the timetable for these actions. Ms. Bennett advised several sources are being reviewed and it is not at the point of talking specifics. Ms. Bennett will be coming to the Select Board to address the economic development needs of the town. Ms. Bunde is concerned as the person that left was a big conduit and will be missed by the downtown program, as it is difficult to keep information flowing.

16. Fiscal

a) Warrant for Postage – March 19, 2014 – \$2,000.00

Motion by Devon Fuller/Blaine Cliver to approve the warrant of March 19, 2014 in the amount of \$2,000.00 for postage. **The motion passed unanimously – 4 to zero.**

b) General Fund Warrant – April 14, 2014 - \$29,965.03

Motion by Devon Fuller/Dave Atherton to approve the warrant of April 14, 2014 in the amount of \$29,965.03. **The motion passed unanimously – 4 to zero.**

b) Consider Wastewater Fund Warrant – April 14, 2014 - \$10,550.60

Motion by Ethan Swift/Dave Atherton to approve the Wastewater warrant of April 14, 2014 in the amount of \$10,550.60. **The motion passed unanimously – 4 to zero.**

Motion by Blaine Cliver/Dave Atherton to recess the Select Board meeting to convene as the Board of Sewer Commissioners at 9:35PM. **The motion passed unanimously – 4 to zero.**

The Select Board reconvened at 9:51PM.

Motion by Devon Fuller/Dave Atherton to enter into executive session at 9:51PM for personnel discussion. **The motion passed unanimously – 4 to zero.**

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

Motion by Ethan Swift/Dave Atherton to come out of executive session at 10:12PM. **The motion passed unanimously – 4 to zero.**

There was no action required.

16. Adjournment

Motion by Devon Fuller/Ethan Swift to adjourn the Select Board meeting at 10:13PM.
The motion passed unanimously - 4 to zero.

Respectfully submitted,

Charlene Bryant
Recording Secretary