

**Brandon Select Board Meeting
April 8, 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, Devon Fuller

Also in Attendance: Chris Brickell, Wayne Rausenberger, Kathleen Rausenberger, Allan Leavitt, George Reilly, Richard Kirby, Anna Scheck, George Wetmore, Ray Counter, Bill Dick, Norm Milot, Bernie Carr, Jeff Stewart, Janet Mondlak, Dolores Furnari, Brian Fillioe, Steve Beck, Brian Sanderson, Nancy Meffe, Gary Meffe, Tecouri Shuman, Lee Kahrs

1. Call to order

The meeting was called to order by Board Chair, Devon Fuller, at 7:28PM.

a) Agenda Adoption – Motion by Ethan Swift/Richard Baker to adopt the agenda with a correction of the fiscal warrant to read \$52,183.43. **The motion passed unanimously – 3 to zero.**

2. Consent Agenda

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

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

3. Fiscal

a) Warrant – April 8, 2013 – \$52,183.43

Motion by Richard Baker/Ethan Swift to approve the warrant of April 8, 2013 in the amount of \$52,183.43. **The motion passed unanimously – 3 to zero.**

4. Schedule Reports from Committees and Officials

There was no discussion held.

5. Town Manager's Report

Chris Brickell reported from the meeting of April 1st, the contract for the engineering services was signed and sent to VHB. The contract for Carl Childs for the redesign of Town Offices was signed. Mr. Brickell advised that one of the construction companies in the bidding process, D.E.W. has bowed out. The H & H study has been posted on the Town web site, noting there is a correction to the document where it indicates Town Hall, should be Town Office. The property

valuations are in the final stages and the property owner meetings can be scheduled. Mr. Brickell provided the board a copy of the Park Street 4-way stop evaluation and advised this calls for one additional item, a pedestrian count, which needs to be done if the Board would like to go farther with this process. There will be a meeting held between the downtown business owners, the DBA and Ray Counter to discuss the water line project and how it will affect them. VHB will be providing a detailed account of where the billings stand. Mr. Brickell was advised by Brian Sanderson that the State has changed their share of the planning grant for the sidewalk feasibility study from 80% to 50% and the Town's share will now be \$17,500.00. The grant also comes with stipulations.

6. Public Works Report

a) Consider Adoption of Public Works Emergency/Non-Emergency Mutual Aid Agreement

Motion by Ethan Swift/Dave Atherton to adopt the Public Works Emergency/Non-Emergency Mutual Aid Agreement with the removal of Keith Arlund's name from the document. **The motion passed unanimously – 3 to zero.**

Richard Baker noted the point of contact is no longer Keith Arlund. Chris Brickell stated it would also make sense to include Addison County in the agreement as there may be issues with Leicester, Sudbury and Salisbury. Brian Sanderson will contact the Rutland Regional Planning Commission to request they contact Addison County regarding this item. Brian Sanderson stated Brandon would have the ability to contact local municipalities for assistance and vice versa, in the event of emergencies, particularly if they do not meet FEMA criteria. Mr. Brickell advised this would work similar to the agreement with emergency services.

b) Consider Adoption of Town Road and Bridge Standards 2013

Motion by Ethan Swift/Dave Atherton to adopt the 2013 Town Road and Bridge Standards. **The motion passed unanimously – 3 to zero.**

Richard Baker stated at a previous meeting, it had been indicated this item would be postponed. Brian Sanderson stated there was concern with the standards, however, the concern is related to those towns that have their own gravel pit, however, Brandon does not have its own. Ethan Swift understands the standards are more rigorous. The benefit is that there is an increase in cost share for those towns that have adopted these standards and they will get a higher level of FEMA assistance, should there be another disaster. There is also the benefit of being able to upsize and getting compensated for it properly. Mr. Baker stated the Board will be reviewing this again, since Tom Roberts presented this in January and noted that they are still tweaking it. Brian Sanderson advised the State does review this every several years and in the wake of Irene, they are looking at it much closer.

. Churchill Bridge Rehabilitation

Brian Sanderson requested guidance from the Board regarding the rehabilitation of the Churchill Bridge. He noted there were concerns that the bridge may or may not be up to standards for pedestrian travel. Mr. Sanderson is not aware of any study that was done and questioned whether the Board would like to proceed with redecking. Dave Atherton stated there had been discussions at a previous Select Board meeting on replanking the bridge, but it had been put on the back burner because of VAST's ownership of the bridge. Mr. Atherton talked with VAST and was advised they did not have a way to remove the bridge and they were fine with replanking it. As far as engineering of the project, the bridge appears to be very solid except for the planking on the bridge. Richard Baker stated it can be done as long as it is clearly narrow enough that only pedestrians or bikes can cross. Mr. Sanderson suggested putting barricades that allow only pedestrians or bikes and noted there are several ways to prevent motorized vehicles from crossing. Mr. Sanderson advised the price of wood has decreased from last year and Gagnon Lumber will process the lumber. Ethan Swift stated there had been discussion with the landowners on the Route 73 side of the bridge about the idea of carving out a few parking spaces on the north side to allow for more room. He noted it appeared the abutting landowners were in agreement with this and it would be worthwhile continuing this dialogue. Devon Fuller suggested Mr. Sanderson review this issue to determine if it could be done and then have a discussion with the abutting landowners. It was noted that 8 or 9 cars can currently park on Route 73. Ethan Swift stated that there had been talk of bringing in fill and widening that area. Chris Brickell advised Mr. Sanderson should consult with the Police Department prior to making any changes in the area for parking.

d) Part-time Help for Wastewater Department

Richard Baker advised personnel issues are not under the discretion of the Select Board.

e) General Public Works

Brian Sanderson reported he has applied for two VTrans grants with one being for the reconstruction of Union Street from Maple Street and extending to Bridge 11. He estimates the project at \$300,000.00 to do a complete reconstruction and update of the culverts. The maximum for this grant would be \$175,000.00 and he feels it is a viable project and he will keep the Select Board updated on this grant. He also applied for a Class 2 Structures grant for the culvert on the east side of Union Street. Mr. Sanderson has recertified the rebroadcasting licenses that cover all land-based and mobile radios, which will be good for 10 years. Mr. Sanderson developed a public information document regarding mud season. The Highway Department is in the process of upgrading the gravel roads.

With regard to the Wastewater Department, the State Watershed Management did a review and the results of inspection have determined there are several pipes leaking underground in the wastewater facility that may undermine the electrical conduit. Mr. Sanderson has contacted Wayne Elliot and is getting some assistance to determine the exact problems and remedies. A response to the report is due by May 31, 2013 and he will keep the Board informed of the findings and recommendations. Mr. Elliott did a complimentary visit and Mr. Sanderson is waiting to hear his findings. The skating rink has been disassembled. Steve Cijka is working with the water engineers regarding the suspect manholes. With regard to town bridges, the Town

has received a \$117,000.00 Structures grant to do Bridge 23 on Wheeler Road. An extension on the grant has been requested and Mr. Sanderson has contacted Tom Roberts to discuss this item, as the grant was provided to rehabilitate the underside, however, it has been determined the bridge will not withstand another Irene. The Town can amend the grant and use the \$117,000.00 for engineering to determine the alignment and construction of a new bridge. Ethan Swift agreed with this idea as the bridge constricts the span by 50% and is the reason for the flooding. The Town is in the process of buying out the home in that area and it would be in the best interest of the Town to go in that direction. Mr. Sanderson is unsure if there is a match and he will look into whether the funding can be used for engineering work and obtain an extension for construction. Mr. Swift suggested requesting an extension for the maximum time allowed. Mr. Sanderson will contact Tom Roberts and report back to the Select Board.

7. Consider Naming of Private Road

A request was submitted by Naylor & Breen to name the private road that will now have three shared sites that will include Naylor & Breen, Hawk Hill Cabinetry & Woodwork and the new Blue Seal Feeds store. The suggested names were Alta Woods and Alta Way.

Motion by Richard Baker/Ethan Swift to approve the designation of a private road, Alta Woods, with a sign to be constructed and invoiced to the property owners. **The motion passed unanimously – 3 to zero.**

Brian Sanderson recommended the private road signs be purchased by the property owners, as the Town would be responsible for the signs once they purchase them. Richard Baker noted the policy specifies the Town will construct the sign and invoice the property owner. He noted the Town could consider changing the policy.

8. Town Infrastructure

a) Consider MOU between the Town and the Fires District concerning Option 8 Waterline

Motion by Dave Atherton/Ethan Swift to approve the MOU between the Town of Brandon and the Brandon Fire District.

Richard Baker stated there is nothing noted in the MOU about the 5% that the Water District is responsible for. Dave Atherton stated the MOU's purpose is more about Mr. Counter being the Town's liaison with the water line project. Anna Scheck stated the Town pays the bill and the Fire District reimburses the Town the 5%. Mr. Baker noted the system is working fine. Devon Fuller stated the process was working until the Town lost the Town Manager and the Interim Town Manager is not as familiar with the project as Mr. Counter. Mr. Fuller stated the MOU was developed and it is thought the Select Board should be able to move forward on this. Mr. Baker asked if the contracts were considered for A & E, CLD and VHB, as they indicate that the Town is responsible and the Fire District is a separate municipality. Mr. Fuller talked with the Town's attorney and was advised the Town could designate a Town Agent to work in moving the project along. Mr. Baker stated these items are supposed to be discussed during an open meeting, in accordance to the Town Meeting Law and it is his judgment that the Town is the party to execute

the project. Ethan Swift stated having a dedicated, knowledgeable person representing the Town in the absence of a Town Manager would be good and Mr. Counter is the best person for moving this project along. Mr. Swift stated part of the Board's concern is that there is not a dedicated Town representative working on the project that understands all of the nuances. Dave Atherton suggested asking CLD, VHB and VTrans whether they would have an issue with Mr. Counter acting as the representative. Mr. Fuller stated if Mr. Baker does not like the letter, the details can be adjusted, but he felt that the MOU is important to act upon. Mr. Baker reiterated there is nothing indicating the financial arrangement. Mr. Swift stated there is no one on staff that can continue in this role. Mr. Baker indicated that Mr. Counter will continue to be involved with the project without a MOU, however, the Town cannot give Mr. Counter the authority to talk with the contractor, as there are not supposed to be discussions with any of the contractors, other than A & E. Devon Fuller stated a contract typically indicates the Town Manager, or his designee, and he feels that Mr. Counter could be the designee. Mr. Fuller stated a new Town Manager will not have the knowledge that Mr. Counter has. Ethan Swift stated the candidate for Interim Town Manager will be dealing with only the basis day-to-day operations. Richard Baker asked if all of the contracts are going to be rewritten changing the contact person to Mr. Counter. Mr. Baker stated the A & E engineers are supposed to advise the Fire District and the Town if there is going to be a problem and he sees this as a conflict. Mr. Swift stated unless the progress continues to be pushed, this project will be put on the back burner to other projects that are out there and there needs to be someone who will represent the Town and the Fire District. Chris Brickell stated under #6, Brian Sanderson is listed as the Town's technical representative and he is unsure if Mr. Sanderson is comfortable as this representative. Brian Sanderson advised that he does not have the expertise to be a technical representative. He is very unfamiliar with water mains and water lines and he would not want to make a judgment that could affect the project in a negative way. Ethan Swift stated we have an engineering firm and they are informing the technical aspects of the project. Ray Counter noted the only reason he would be part of the waterline project discussion would be on a technical perspective. Ethan Swift suggested tabling this item to further detail what Mr. Counter's part will be in order to forward this discussion. Mr. Fuller stated the memorandum does not outline the details, but the letter would allow the specifics of the financials and who, when and how the Select Board would like Mr. Counter to report. Mr. Swift would like to verify that VTrans, CLD and VHB are in agreement with a Town Agent. Ray Counter asked the Board to focus their efforts on getting the project moving forward instead of dealing with these trivial details. Mr. Counter is present to offer his assistance and noted the Fire District has a major effort in this project and the Town has spent 1½ years working with the engineers. The water line cannot get delayed another year and the next step is the right-of-way process and the Board needs to decide who is going to do that, as another delay is going to cost the Town more money. The valuations are due later this week. Mr. Baker stated if the parties do not accept the amount offered, he is prepared to step down from the Board for the negotiations of the valuations. Ray Counter advised Tom Whittaker had offered to be part of the process in dealing with the 4 property owners. Mr. Counter did not feel there had to be a MOU. Since he has been dealing with Chief Brickell, he is pleased with the responses he has received and Mr. Brickell should be commended for the job that he has done. Mr. Fuller asked what the next hurdle will be and Mr. Counter stated it will be to get the bids out. Mr. Counter stated there needs to be expectations from the engineers and they need to be held to task and the Town needs to push them to get the work done. Richard Baker understands the idea of an insurance policy, but he does not feel that it needs to be adopted tonight. Ethan Swift agreed that it is something

that can be put in place and there may need to be more massaging of the document for everyone to feel more comfortable with it and to assure that it says what it needs to say.

Motion by Dave Atherton/Richard Baker to table the motion for discussion at a subsequent meeting to make further adjustments to the document. **The motion passed unanimously – 3 to zero.**

9. Citizen's Public Forum

Bernie Carr stated that he is not sure why the Board needs to do anything and it all seems to be semantics. George Reilly noted at the last meeting there were comments concerning a potential conflict of interest with Mr. Cliver being both a member of the Select Board and a DBA volunteer and questioned whether the Select Board thinks this would be a conflict of interest. Dave Atherton stated because this situation is going to arise a lot, as there are individuals who are trying to do as much as they can for the Town and he does not feel there is a conflict of interest. Ethan Swift stated there is a conflict of interest policy and he does not see this as a conflict of interest. Ray Counter asked the status of the Town Office. Devon Fuller stated the Town is waiting for information from the structural engineer who is designing the beam carriage. Mr. Counter asked if there were monies budgeted to address the Town Office. Mr. Fuller advised there are insurance funds available and the intent is to concentrate on the ground floor and do repairs upstairs when funds are available. There are plans and designs completed and when the Town has the money available, they will renovate the upstairs. It is anticipated the insurance funds will cover the reconstruction of the ground floor. Anna Scheck stated a portion of the money has been received. Dolores Furnari expressed concern regarding the former BHOP assessment of \$7,000.00 on land. Mr. Baker noted that is not a Select Board issue, but rather a lister issue. Allan Leavitt questioned whether the Board has received letters of interest for citizen participation on the selection committee for the new Town Manager position and it was noted there have been inquiries received.

10. Old/Other Business

b) Title 24, Section 871, Appointment of Town Officials

- a) Tree Warden – Paul Gurney***
- b) Fence Viewers (3) Seth Clifford, Susan Benedict and J. Wilson***
- c) Poundkeeper – Rutland County Sheriff's Department (per Animal Control Contract)***
- d) Inspector of Lumber - John M. Reynolds***
- e) Weigher of Coal – Lou Faivre***
- f) Town Service Officer – Larry Stevens***
- g) Auditors (3) - Phyllis Reed***
- h) Rutland County Solid Waste (2) – Gabe McGuigan and the Town Manager, once appointed***

Motion by Richard Baker/Dave Atherton to approve the Title 24, Section 871 statutory appointments as noted above.

The motion passed unanimously – 3 to zero.

b) Interim Town Manager

Devon Fuller advised he has received a copy of a contract from the Town's attorney for an Interim Town Manager's position and there are two candidates that Mr. Fuller has spoken to. Richard Baker noted the Select Board had agreed that VLCT would provide assistance in this area. Mr. Fuller reported the individuals that VLCT had provided have declined. Mr. Fuller and Mr. Atherton have found two possible replacements. Richard Baker noted this position has never been advertised. Ethan Swift stated the Board had been waiting to hear from VLCT after the results of another town's selection of a Town Manager, however, this yielded declines. Mr. Fuller stated it was Mr. Baker's recommendation to have a person 2 to 3 days per week. Mr. Fuller does not see an Interim Town Manager spending 7 days per week on the job and it will be more difficult to find a candidate available 5 to 7 days. Mr. Brickell stated about 80% of his time over the last 2 weeks has been concentrated on the Interim Town Manager position as there are a lot of working parts and contractors to deal with.

Judy Bunde stated the VLCT list seems to rotate from one town to another and questioned if the town who is requesting help has exclusive rights on the candidates. Ms. Bunde noted with everything that is happening, what made the Select Board decide a 2 to 3 day position is sufficient. Mr. Fuller stated the intent of the position is for the person to deal with the basics, not get overly involved in all of the details of the departments. Ethan Swift stated the Town needs to get a full time Town Manager hired as soon as possible. Interim Town Managers are generally retired Town Managers who know the municipal details. The department heads will be responsible for handling the details of their own departments.

Richard Baker questioned the status of the permanent Town Manager position. Mr. Fuller advised that Abby Friedman has a list of questions that she is requesting clarification from the Select Board. Ms. Friedman stated the position should be advertised by the end of the week and has provided suggestions for advertising. The Board was in agreement with the publications, with exception of the Burlington Free Press, with a total cost of \$2,676.00. Anna Scheck requested a copy of the contract between the Town of Brandon and the VLCT. Mr. Baker asked if there is an adequate range of people to secure an Interim Town Manager. Devon Fuller stated if it is not determined there is, the position can be advertised.

Mr. Baker stated three weeks from tonight, the Select Board will be at Neshobe School talking about the budget and questioned if there are considerations the Board should discuss. Dave Atherton stated the budget cannot be changed and hopefully there will be questions that can be clarified. Mr. Fuller suggested a flyer of facts could be developed to explain why the budget is warranted.

Motion by Ethan Swift/Richard Baker to enter into Executive Session at 9:32PM for the purpose of discussing a personnel matter and contracts, to include the Interim Town Manager. **The motion passed unanimously – 3 to zero.**

11. Possible Executive Session

Motion by Ethan Swift/Richard Baker to come out of Executive Session at 10:00PM. **The motion passed unanimously – 3 to zero.**

Motion by Ethan Swift/Dave Atherton to compensate the Interim Town Manager, Chief Brickell, at the Town Manager's rate (\$78,835.00/year) from March 25, 2013 until his replacement arrives. **The motion passed unanimously – 4 to zero.**

12. Adjournment

Motion by Ethan Swift/Richard Baker to adjourn the Select Board meeting at 10:06PM. **The motion passed unanimously - 3 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary