

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

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

In Attendance: Devon Fuller, Richard Baker, Dave Atherton, Ethan Swift, Mitch Pearl

Also in Attendance: Keith Arlund, Chris Brickell, Wayne Rausenberger, Kathy Rausenberger, Charlie Rivers, Anna Scheck, Blaine Cliver, Seth Hopkins, Dick Kirby, Brian Sanderson, Steve Beck, Gary Meffe, Nancy Meffe, Judy Bunde

1. Call to order

The meeting was called to order at 7:07PM by Devon Fuller, Chair.

a) Agenda Adoption – Motion by Ethan Swift/Mitch Pearl to adopt the agenda as presented. **The motion passed unanimously – 4 to zero.**

2. Consent Agenda

a) Approval of Minutes – January 28, 2013- Select Board

Motion by Ethan Swift/Mitch Pearl to approve the minutes of the January 28, 2013 Select Board Meeting with the following corrections. **The motion passed unanimously – 4 to zero.**

A correction to Item 10 in that the motion was to accept the warning for the annual town meeting and it did not pass unanimously. Richard Baker did not vote.

A correction to Item 9 noting that the budget was adjusted by \$11,000.00 and Mitch Pearl made the motion to approve the budget with the amended amount. The amount provided was \$11,000.00 more and what was eventually adopted was \$2,480 080.00. The motion was 4 to zero for both the budget and the warning, with Richard Baker not voting.

Wayne Rausenberger asked for a correction to his statement under Citizen's Public Forum. Mr. Rausenberger stated he had indicated that he heard the town was going to lose funding if the project did not get started. Mr. Rausenberger stated during the Phase 1, Segment 6 presentation, he questioned if the start of Segment 6 is when a shovel was put in the ground and it was confirmed this was the case.

3. Fiscal

a) Warrant – February 11, 2013 - \$99,233.63

Motion by Richard Baker/Mitch Pearl to approve the warrant of February 11, 2013 in the amount of \$99,233.63. **The motion passed unanimously – 4 to zero.**

Ethan Swift questioned the \$2,000.00 invoice to Rutland County Sheriff's Department for animal control. Keith Arlund stated the contract is \$8,000.00 per year and is paid quarterly. Ethan Swift asked if there is an accounting of the services and Mr. Arlund noted there is an accounting and the contracted fee has been the same for the last 3 years.

Ethan Swift questioned the weekly invoices for Getcha Fuels in December and January. Keith Arlund stated there have been issues when a couple of the tanks had not been filled timely and they have been delivering weekly. Mr. Arlund noted the invoices are coded by Department.

Devon Fuller questioned the invoice for Dunn Plumbing and Heating. Keith Arlund reported a manhole near the video store required pumping. Mr. Arlund stated the invoice is coded for sewer, but there was not a separate agenda for the Sewer Commission this evening. .

b) Warrant – February 15, 2013 - \$6,099.75

Motion by Ethan Swift/Mitch Pearl to approve the warrant of February 15, 2013 for an amount not to exceed \$6,099.75 for

the Mosquito Control District. **The motion passed unanimously – 4 to zero.**

c. Consider Efficiency Vermont Street Lighting Initiative - \$14,553.00

Keith Arlund stated this warrant is for the town's portion of the contract.

Motion by Ethan Swift/Richard Baker to approve the contract to allow Efficiency Vermont to proceed with the street lighting initiative, Project 6012-0742, based on the contents of the memo received for an amount not to exceed \$14,533.00. **The motion passed unanimously – 4 to zero.**

Keith Arlund stated this is the amended contract based on the most recent information received, which will realize cost savings. There is an incentive that is favorable and the return on the investment would quickly pay for itself and contribute to a significant savings for the future. Richard Baker stated there is not a contract agreement for power and this is only Efficiency Vermont's contract. Keith Arlund has heard from Green Mountain Power and they are waiting on this program before providing a contract. Devon Fuller asked if it is felt that once this passes, they will be more serious about replacing the lights. Keith Arlund stated the people are the same at the power company, but the company is different. He stated the communication loop has finally been closed.

Devon Fuller thanked Gary Meffe and all of the people involved in the project for all of the hard work in coming up with the information required by Efficiency Vermont.

Devon Fuller stated the town has a year to complete the project and it falls well within the budget.

4. Scheduled Reports from Committees and Officials

There was no discussion held. Richard Baker stated after the organizational meeting, the board needs to get back into goal setting. It was noted there are some committees that are deficient in members and having more complete committees would be helpful. Ethan Swift stated there should be a more concerted effort in populating those committees.

5. Town Manager's Report

Keith Arlund stated under general items, the compromised barn on Nickerson Road has been raised. Mr. Arlund has been working with the attorney representing Mr. Poirier regarding the building on Briggs Lane. The attorney has contracted Messier House Moving and there is progress being made with this building. Mr. Arlund reported the Churchill Road survey and Paynter/Bullock hearing will be discussed under Old/Other Business. The draft waiver violation was completed and emailed to VTrans. Patty Coburn will review it with the Right-of-Way Department. Ms. Coburn advised the other draft easements should be completed this week on the Segment 6 properties. Brian Sanderson and Ray Counter have met with Jeff Thurston of New England Woodcraft regarding traffic relating to the construction project and it does not appear to be a problem for the factory on Prospect Street. The Traffic Control plan has been reviewed with the Brandon Farmer's Market and they plan to stay in Central Park. They have an agreement with Rite Aid for parking for the Friday events.

The town has received five responses to the RFQ for the town offices, which has a February 15th deadline. Mr. Ferro is working on modifying the plans and bid documents for a lump sum bid.

Ethan Swift asked about the review of the Aldridge and Elliot report. Keith Arlund reported VHB and Patty Coburn have a copy of it.

Devon Fuller, Richard Baker and Keith Arlund participated in a teleconference with Mark Colgan of VHB to review several recommendations discussed. Mr. Fuller stated they will be updating their recommendations and the board is awaiting a letter from Mr. Colgan. The general consensus is the park size will be increased, with the elimination of some parking spaces and the plans will continue to be monitored going forward. The sidewalks will be widened down Center Street, but parking is not recommended in front of the Stephen A. Douglas House. These items will be incorporated as long as there is minimal design effort. The result of the conversation will be VHB providing a design, with a letter to be sent to CLD to take these actions. There was a recommendation to place a 15-foot buffer in front of the post office and angling the sidewalk back to the present configuration for the crosswalk. The compromise will be the sidewalk will be back in the current location. There was a recommendation not to make the proposed change on the Pearl Street/Seminary Hill crosswalk and they will continue to look at that because there is one there now. Devon Fuller stated Mark Colgan understands there was a current crosswalk and it should be left there. There will be more study on the traffic lights by VHB, but based on this discussion, the infrastructure will be built in, but the lighting fixtures themselves will not be erected on the Park Street exchange, but one will be put in at the Carver Street/Union Street intersection. Mr. Fuller stated his understanding was that on the Carver/Union Streets; they will continue to study this and there will be some experience obtained from the Phase I waterline control project. Devon Fuller stated it was discussed that the traffic will be rerouted around the park similar to Segment 6 for the water line rerouting this summer and it will be reviewed at that time. With regard to the sidewalk north of Franklin Street, it is thought it would be a significant change if it is removed and this will be studied further, as there is very little buffer segregation with exception of the curbing. It is thought that a mid-block sidewalk can be done on Franklin Street. A study will be continued on the LED lights and the landscaping has been sent to the DBA group and this will continue to be monitored as the project proceeds. Other traffic calming measures have been looked at such as speed bumps or crosswalks that could be implemented. The curbing for central park may not be as pronounced. The parking in front of the library is being reviewed to enable backing out of the parking spaces without being in the travel lane of Park Street. Devon Fuller stated the idea is to come up with as much parking as possible and they will review to see how many more parking spots can be in front of library. There will be a formal response that will be provided to the public and other parties that will include steps to implement them. Ethan Swift stated the library staff is very concerned about the issues of parking not only for patrons, but tenants as well and they would like to see what type of parking options can be explored. Richard Baker stated there is no guarantee that a tenant has a parking space adjacent to the building. Ethan Swift stated it is an issue for some of the tenants that have difficulty in having to park far from their building. Devon Fuller stated that this is the reason there is going to be more studies done, as this concern has been acknowledged. Mr. Fuller questioned whether the configuration of the bypass for Option 8 will require the elimination of the parking in front of the church. Keith Arlund stated he has not discussed this item with them yet.

6. Public Works Report

Brian Sanderson reported he has submitted the Tier II information to the Department of Public Safety. Tier II is a federal reporting of hazardous materials on-site for wastewater and highway departments with regard to such items as bulk fuel oil and paints for crosswalks that includes a material inventory.

a) Consider Approval of Certificate of Highway Mileage 2013

Brian Sanderson stated according to the memo, since the town did not alter any roads, the mileage classifications have not changed. Mr. Sanderson has made some changes as some roads have gone from

gravel to pavement and an additional memo will be submitted to the state so that the maps are up to date regarding the travel surfaces.

Devon Fuller asked if Mill lane was given up. Mr. Sanderson advised the winter maintenance was given up, but there will still be summer maintenance done.

Ethan Swift stated with the changes to 19VSA 305, the legal trail mileage and other altered mileage could be included. He knows there is pending resurveying that would not be included in the 2012 survey, but asked Mr. Sanderson has what was recorded since the change in 2008. Brian Sanderson stated the pending Churchill Road would not be recorded and updated. Ethan Swift stated the other item he remembered was Highway 57 on the South side of Otter Creek near Sanderson Bridge. He knew it was never discontinued, but he did not know if it was recaptured. Mr. Sanderson advised it is a Class 4 road and part of it is considered primitive. Keith Arlund stated the only thing being change on Churchill Road is the width, with no change in the length, but this would be included next year.

Richard Baker stated there are some items that are known not to be correct, such as the incorrect classification of the Syndicate Road to Class III; as the Class III ends by the last house when it was renamed Carver Street. Mr. Baker suggested when Mr. Sanderson has the time; there are a number of items that should be cleaned up in this document. Brian Sanderson stated some of the Class IV road issues can be cleaned up.

Motion by Richard Baker/Ethan Swift to direct the Town Manager to sign the 2013 Certificate of Highway Mileage report. **The motion passed unanimously – 4 to zero.**

b) Consider Adoption of a Sign Maintenance Policy

Brian Sanderson stated there is a requirement to have a sign maintenance policy. The signs that were purchased in 2011 meet the federal requirements. Mr. Sanderson has developed a sign maintenance and procedures document for the town to follow for changing and repairing signs. It will also provide a road sign maintenance program and as changes are made, there will be documentation on what has been repaired or replaced.

Motion by Richard Baker/Mitch Pearl to approve the Sign Maintenance policy as presented and signed, once the corrections are made. **The motion passed unanimously – 4 to zero.**

Devon Fuller commended Brian Sanderson for his efforts on this project. Mr. Sanderson stated it is his intent to have the regulatory signs installed this year and engrave the date on the back of the signs to track when it is time to replace them. Ethan Swift stated there will also be a benefit in determining the replacement needs for future years in planning for the capital budgets. Mr. Sanderson stated it is a matter of time when the federal government will be requiring the replacement of the street signs with much larger signs. Mitch Pearl suggested storing the information electronically that would make the information available to more individuals. Mr. Sanderson stated as the sign maintenance forms are completed, they can be scanned and stored electronically. Richard Baker stated this will also standardize the location of the signs.

7. Town Infrastructure

The discussion was held during the Town Manager's report.

8. Citizen's Public Forum

Blane Cliver questioned VHB's response and what they are preparing for the town. He asked why they would oppose parking in front of the Stephen A. Douglas House. Devon Fuller stated they want to determine what the impact will be from CLD. Mr. Fuller explained to Mr. Colgan that this is the only

visitor center with public rest rooms in town and that it has limited parking. The select board will review Mr. Colgan's write-up prior to it being sent to CLD. Judy Bunde stated it was her understanding that Mr. Colgan was to make the recommendations on what is doable. Mr. Fuller stated the board has reviewed Mr. Colgan's information and the only item not agreed upon was the sidewalk on the north side of Route 7. Mr. Thornton was also under the impression the report will be disseminated to the public. Richard Baker stated the board has to ultimately make the decision and it has been discussed with the public. Devon Fuller stated the original document from Mr. Colgan was available for public review. The board has discussed the parking, sidewalks and traffic lights with Mr. Colgan and he understands the importance of those items. The board felt that they are working towards what the general public would like. Mr. Fuller does foresee one traffic light in Brandon. Blane Cliver stated it sounds like Mr. Coburn is calling the shots and Mr. Fuller stated this is not the reality, as Mr. Coburn came back with his recommendations and the board advised what the town would like and he feels that the town is taking control of the project. In almost every instance, Mr. Coburn agrees with the board. Richard Baker stated the town needs to move forward with CLD and the parking spaces should not hold up the project. Mr. Thornton stated the number of signs around the civil war monument is ridiculous and he asked if there are plans to eliminate or reduce them. It was noted there are plans to move all of those signs once Route 7 is rerouted. Mr. Thornton asked why there are neon green signs installed at the crosswalks. Brian Sanderson advised they are the new standard for warning devices for school areas and anything involving pedestrians or schools is mandatory.

Gary Meffe asked if the select board agendas could be posted on the web site. He also noted there are still two members of select board whose contact information is not noted and it would be good for the public to be able to contact their select board members.

Charlie Rivers asked about the potential 4-way stop at the end of Park Street. Keith Arlund stated there was a traffic study completed. The results have been reviewed and it was determined that a 4-way stop is not warranted. Mr. Arlund advised the possibility of a crosswalk on Park Street is still being considered. Mitch Pearl advised that under state law, the town cannot put stop signs wherever they want and this action is subject to traffic studies. If this is not done correctly, it is an unenforceable stop sign. The board has to follow what the engineering study indicates, which is different from an emergency situation.

Seth Hopkins asked if the select board meetings could have a permanent home. Keith Arlund advised that through the end of March, the intent will be to hold the meetings at the Brandon Rescue Squad building. The intention is to keep the meetings in one spot, as the town hall has issues with acoustics and heat.

Mr. Thornton stated the Stephen A. Douglas monument is a significant piece of public art and is one of the most beautiful things in Brandon and he would like to see the monument moved. Blane Cliver asked the status of the hydraulic study. Keith Arlund stated it is due by March 29th and will be posted on the website for public viewing once it is complete. It will also be sent to the DBA contacts and provided to anyone who requests a copy.

9. Old/Other Business

a. Consider Final Hearing on Re-survey of TH 22 – Churchill Bridge Road

Keith Arlund reported he sent out an email on the final hearing of the Churchill Bridge. If there are no conflicts, the final hearing will be held on March 18th @ 5:00PM at the Rescue Squad building. There will be a site visit prior to that time.

b. Consider Closing the Evidentiary Portion of Paynter/Bullock Hearing

Keith Arlund reported he has spoken with Jim Carroll and have presented all of the filings. He asked for the opinion on whether there is a filing of reopening the evidence hearing and was advised it is time for

the board to close with the 10-day requirement. It is important for Mitch Pearl to be in the hearing. Mr. Pearl stated there needs to be a deliberative session and information needs to be provided to the attorney.

Richard Baker stated there has been a proposed letter that was emailed to the board members for inclusion in the paper. The statute reads that select boards are not supposed to actively lobby for a position and he feels it is inappropriate for a board that is not unanimously in agreement, to send a letter to the paper. It was noted that the letter has been sent to the paper and will be published. Devon Fuller stated the majority of the board participated in this discussion and Mr. Baker had the opportunity to participate. Mr. Fuller stated the board needs to communicate the reasoning for the budget to the public and the letter had been sent to all board members for comment. Richard Baker stated this process was not conducted properly, as the board, as a whole has to have a conversation, and not an independent conversation. Mr. Baker noted the board has to have an agenda and discuss it as a board so that the public can see the input from all 5 members. Mitch Pearl stated if the letter was signed from the board, he agreed that it should not have been sent to the paper as such. Richard Baker noted the chair had previously tried to institute a policy that board members cannot send letters under the town's signature to the newspaper; and he then sent a letter to the newspaper. Mr. Swift agreed the letter should not be characterized from the board, but all board members were included in the discussion. Mr. Swift stated the board tried to provide some substantiation for the changes. Mr. Baker stated the board spoke its position at the meeting and sending a letter to the editor shows concern the budget will not pass. Ethan Swift stated much of the public was not present at the select board meeting and to provide additional information to the public is not off the mark. It was noted the board would not have a problem with Mr. Baker sending a letter to the newspaper. Mr. Baker does not feel the taxpayers can pay for the increase in the town and education budgets that are being proposed.

Motion by Mitch Pearl/Dave Atherton to enter into executive session at 8:30PM for deliberating on the Paynter/Bullock matter, with the session to include the town manager. **The motion passed unanimously – 4 to zero.**

10. Possible Executive Session – Contracts/Personnel (If Needed)

The board came out of executive session at 8:53PM.

Motion by Richard Baker/Ethan Swift to close the Paynter/Bullock Evidentiary portion of the hearing. **The motion passes – 4 to zero.** Dave Atherton did not participate in the hearing.

11. Adjournment

Motion by Richard Baker/Ethan Swift to adjourn the Select Board meeting at 8:55PM. **The motion passed unanimously – 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary