

**Brandon Select Board Meeting  
January 14, 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, Lee Kahrs, Steve Beck, Dick Kirby, Helyn Anderson, Gene Pagano, Blaine Cliver, Bernie Carr, Ray Counter, Jeff Stewart, Anna Scheck, Jim Leary, Lisa Kenyon, Jim Emerson, Karen Emerson, Kevin Thornton, Charles Rivers, Dorothy Wigmore, Jennifer Philo, Lee Kahrs, Kathryn Clark, Lynn Wilson, Bob Clark, Sam Stone, Stacey Doucette, Kelly McCullough, Judy Bunde, Laura McLaughlan, John Satz, Pricilla McKeighan, Jane Murdock

**1. Call to order**

The meeting was called to order at 7:52PM by Devon Fuller, Chair.

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

**2. Consent Agenda**

**a) Approval of Minutes – December 17, 2012 - Select Board**

**Motion** by Mitch Pearl/Richard Baker to approve the minutes of the December 17, 2012 Select Board Meeting with a correction to the Vermont Alternatives Scoping grant application motion to read: The motion passed – 3 to zero, with Mr. Baker not voting. **The motion passed unanimously – 4 to zero.**

**b) Special Select Board Meeting (Budget Workshop) of December 19, 2012**

**Motion** by Richard Baker/Ethan Swift to approve the minutes of the December 19, 2012 Special Select Board Meeting (Budget Workshop). **The motion passed unanimously – 4 to zero.**

**c) Special Select Board Meeting/Transportation Alternatives Grant Public Information Hearing Minutes of January 10, 2013**

**Motion** by Richard Baker/Dave Atherton to approve the minutes of the January 10, 2013 Special Select Board Meeting/Transportation Alternatives Grant Public Information Hearing. **The motion passed unanimously – 4 to zero.**

**3. Fiscal**

**a) Warrant – December 20, 2012 - \$23,261.92**

**Motion** by Richard Baker/Mitch Pearl to approve the warrants of December 20, 2012 in the amount of \$23,261.92. **The motion passed unanimously – 4 to zero.**

***b) Warrant – January 14, 2013 - \$157,058.61***

**Motion** by Richard Baker/Mitch Pearl to approve the warrants of January 14, 2013 in the amount of \$157,058.61. **The motion passed unanimously – 4 to zero.**

Ethan Swift questioned the first two invoices for the warrants. Keith Arlund reported the debris removal invoice was for the Brandon House of Pizza area and the Town Hall repair was related to roof repairs due to leaking. This item is separate from the safety issues being addressed on the West side of the building. Mr. Arlund advised the vendor has since come back and replaced some of the copper hangers. The vendor will also be developing a maintenance plan for the Town Hall as well. Devon Fuller questioned the invoices for salt. Keith Arlund advised the town can only store a few yards at the salt shed and once it is depleted, more salt is purchased. Mr. Arlund noted there is a not-to-exceed limit on the contract.

**4. Scheduled Reports from Committees and Officials**

There was no discussion held.

**5. Town Manager's Report**

Keith Arlund reported the Paynter easement site hearing was held on January 10<sup>th</sup> and all parties were directed to submit information by January 21<sup>st</sup>, with objections to be completed by January 25<sup>th</sup>. Once the town hears from its attorney, it will be determined whether the hearing has to be reopened. Richard Baker questioned whether the town has a taping of the hearing. Mr. Arlund advised currently Jim Carroll has the tape, which he will have transcribed and distributed to the Board.

As an update to infrastructure, the Segment 6 Phase I water line and waiver evaluations for the four properties impacted was completed. Assessments based on land values will be done once a number is determined and Mr. Arlund will be speaking with VTrans concerning this issue. There were 9 bids received for the Phase I water line that will be scored and ranked. Mr. Arlund has distributed the packages received between VHB and Ray Counter. Once the packages are ranked, the town will notify the firm chosen and will begin working on a contract. The design consultant for CLD has completed the package for the Phase I waterline and this will be reviewed in the near future. With regard to the Town Office, the design team met on January 4<sup>th</sup>. Mr. Ferro will streamline the plans to reflect the phased approach, beginning with the first floor and letters of interest will be solicited. Jim Carroll has begun working on the issue of space between the Town Office and the Leary building.

Devon Fuller questioned how long it will take to determine the values for the properties. Keith Arlund advised this should be done within the next couple of weeks, with the information to be provided to VTrans. Mr. Fuller also questioned the status of the budget. Mr. Arlund advised there has been a suggestion to hold another budget workshop with the Select Board. Mr. Arlund has made attempts to contact Green Mountain Power with regard to the current non-depreciated value of the streetlights, but has not received a response. The town currently has a month-to-month contract with Green Mountain Power. Devon Fuller questioned the status of the High Street 4-way intersection. Mr. Arlund reported he spoke with VHB on January 3<sup>rd</sup> and noted they are working on this issue. He will call to obtain an updated status. Mr. Fuller noted this issue and the Churchill issue need to be finalized. Mr. Arlund stated VHB should have the High Street

item finished soon and he will contact Jim Carroll to obtain an update on the Churchill issue. Mr. Arlund noted that he has had a discussion with one of the parties and he will call the Gibbuds to confirm that they are in agreement.

Mr. Arlund reported that the Marble Valley Bus is working on a grant that will enable them to run a mid-day service five days per week, with the potential for a Saturday run also.

## **6. Public Works Report**

### ***a) Consider Vermont Transportation Alternatives Scoping Grant Application***

Keith Arlund had asked Brian Sanderson provided a final copy of the Scoping grant application for the Board's consideration. The town will be submitting a grant application for \$28,000.00, with a \$7,000.00 match, to do a feasibility study for a sidewalk on Route 53.

**Motion** by Mitch Pearl/Dave Atherton to direct the Town Manager to submit a grant application for \$28,000.00 through the Vermont Transportation Alternatives Program for consideration of a feasibility study for a sidewalk on Route 53. **The motion passed unanimously – 4 to zero.**

Ethan Swift questioned whether the anticipated \$7,000.00 is included in the town's budget and Mr. Arlund confirmed it is in the sidewalk budget.

## **7. Town Infrastructure**

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

## **8. Citizen's Public Forum**

Devon Fuller advised that the Select Board would not be making any decisions this evening relative to the Segment 6 project.

CLD is requesting recommendations for moving forward. The Select Board has received CLD's comments concerning the DBA's suggestions and it is the Select Board's duty to direct CLD on the project. Mr. Fuller opened the discussion to the floor, noting this item will be on the agenda for the next Select Board meeting on January 28<sup>th</sup>.

Bernie Carr questioned the status of the building on Nickerson Road. Keith Arlund reported the owners have been given a permit to tear the building down and the town is monitoring this situation.

Kathryn Clark stated she has lived in Brandon for 30 years and does not feel that it is necessary to have stop lights in town. Additionally, she feels that Central Park is a wonderful asset to the town and she would hate to see the park changed dramatically. Stacey Doucette hoped the Select Board will support as many of the recommendations of the DBA as possible. Judy Bunde questioned when it will be appropriate for citizens to provide their opinions to the Board, prior to them making a decision. She stated the most recent process has been quite lengthy and she does not want to have the Select Board have a huge backlash once the decisions are made. Devon Fuller stated the town website has email addresses for all the board members, which is an ideal way to provide comments. As far as giving an answer to CLD, it is hoped that within the next two weeks the board will consider how they want to move forward and at the next meeting make

a decision on how to proceed.

Richard Baker stated the decision has already been made on Segment 6, but there is some fine-tuning that can be done. It is not CLD that the town has to convince, rather AOT and the legislature. He believes there will be improvements on the initial project, but there will not be drastic changes. Devon Fuller stated Segment 6 will come through the town, as it is too late to stop it, with one of the main reasons for the decision being the \$4 million in infrastructure improvements that the town will realize from this project. These decisions were made by a previous Select Board and now the current Select Board has the opportunity to take advantage of the infrastructure improvements and to fine-tune some of the details. This board's duty is to turn this project into something that will work for the town for the next hundred years. There has already been much money spent on the project and the town does not want to turn down the grants approved.

Judy Bunde stated in the decision the Select Board made, there was a choice that included either a roundabout or stoplights, and they decided to go with the stoplight design. At that time, had there been the design group that now exists; they could have studied both plans; and modified this design at that time.

Devon Fuller stated misinformation has been circulating on this project for a long time. He stated the design that came out of the process has been decided upon and a redesign cannot take place. Richard Baker stated there have been about 180 meetings and there has been \$2.2 million paid to traffic design engineers. There had been discussion of whether there could be a roundabout and it was determined that was not feasible. If the town decides it wishes to scratch this project, the town will have to reimburse the \$2.2 million in state and federal funds spent on the project. Mr. Baker stated the design was approved and forwarded to the state six years ago. He also noted the permits and right-of-ways have been completed. Mitch Pearl stated there is much permitting and right-of-way work that has been done and it is incorrect to say that nothing has happened. It was noted there is a question of what fine-tuning means. Devon Fuller stated CLD has taken the suggestions of the DBA and has come back with options, with one being to enlarge the park and change the sidewalk locations and crosswalks. For clarification, the only changes that can be done are the options that CLD has put on the table. Richard Baker stated there are some modifications that will happen during the project on some of the details such as trees. It was asked if the public could be provided with the modifications outlined. Mitch Pearl noted there have been many meetings and hearings and there have been many opportunities for public input. Devon Fuller advised the minutes from the CLD meeting will be posted on the town's web site. Mitch Pearl stated the project has been through Act 250 and for people to say they have not had opportunity to provide input is incorrect. Ethan Swift stated Robert Black, representing the DBA, was very grateful and appreciative of the CLD engineers' efforts in making the recommended changes. Richard Baker noted the stop lights are programmable and the town will determine what to do with them. Laura McLaughlin stated she was at the CLD meeting and noted there was further discussion held between CLD and the DBA after the meeting. She stated there still seemed to be confusion about the lanes. Ms. McLaughlin also stated the townspeople love the park and people are happy to attend the meetings, but she felt there needs to be understanding about what is going to happen.

Bernie Carr encouraged the board's decision not to be forced by the engineers, as the board knows the limitations of areas in town. Mitch Pearl stated not everyone agrees on what the best

way to do things are and the idea that everyone in town will love all aspects of the project will not happen. It was questioned how the DBA felt about the option. Blaine Cliver stated the decision has to ultimately come from the Select Board. The DBA has presented ideas and they need to be discussed. There are some good points and bad points of what CLD had presented, but Mr. Cliver would not go into the detail at the meeting. Helyn Anderson noted she has been following this project, as far as the issues of traffic lights and the green. She noted there has been a petition opposing the traffic lights and keeping the green in existence since 2005. She stated the board could have voted at that time to reconsider those issues, as there were many people opposed to the two issues. The question is whether the town can eliminate the stop lights and Ms. Anderson asked the board to pay attention to those issues. She asked if it is possible to put this to a town vote to have the voters assist in making these decisions. Devon Fuller stated the board would have to discuss this item.

Kevin Thornton encouraged the board to be as responsible and flexible as possible in directing CLD. As far as process, Mr. Thornton stated it is highly technical, but is part of the public process, and the plan is making a lot of people uncomfortable, as far as the park and lights. Mr. Thornton stated Mr. Fuller has been extremely gracious to him personally and he appreciates the willingness of the Select Board to listen. Priscilla McKeighan asked if they have taken out the crosswalk near the elderly complex and it was noted this crosswalk will remain. John Satz asked if the board is looking for feedback from the minutes of the August meeting. Devon Fuller stated the board has no problem with getting input from the public. Mr. Fuller recommended contacting a member of the DBA design team for more information. Blaine Cliver stated the recommendations are on the Brandon Chamber website. Mr. Fuller stated there is information available and the design group has done a great job. He stated when the traffic lights were designed in the original project, it was due to the traffic flow and though the traffic has lessened, it has not lessened enough. Mr. Fuller noted Mr. Baker had commented that the town will have the ability to run the lights as seen fit. Mr. Fuller could see this intersection becoming a higher traffic flow for the future, particularly if Hannaford's expands. Helyn Anderson stated the maintenance of stop lights is the responsibility of the town, which will be a burden on the taxpayers and requested the board do research on this item. Dave Atherton noted with Route 7 running directly through Brandon's downtown area, stoplights could be useful for pedestrian traffic. Wayne Rausenberger stated everyone is upset with the traffic light situation and perhaps when the water line is done, there will be a better understanding. Karen Emerson noted her husband and she had lived in St. George for many years and when a light was installed in that area, there was concern, however, after a while it was not thought to be a big deal. She stated over time, it may be realized that people slow down more and may be the reason why the federal standards are the way they are. She stated the board has been elected to do a job and the design committee has worked months on this effort and she hopes that people's good will could prevail in supporting this situation. She stated if the town is safer, it is good for everyone and she understands the reasons. Jane Murdock asked why the traffic lights will change the green. Devon Fuller stated these are two areas of concern that are not related. Ms. Murdock urged the board to consider the comments from the public. Devon Fuller stated the design committee has worked tirelessly to come up with a design for CLD and CLD has come up with a proposal using those suggestions. He stated if the board can merge both suggestions to one plan, he feels it will be a fantastic project. Ethan Swift stated the safety aspects can be compatible with the aesthetics aspects. The park will be a different configuration and he does not see where any of the changes will preclude the uses that exist now. He stated the board will do its best to be sure that the best

project will be done.

## **9. Old/Other Business**

Mitch Pearl stated a budget workshop needs to be scheduled. The deadline for the warning is February 3, 2013. The next budget workshop meeting is scheduled for January 21, 2013 @ 7:30PM at the Fire Station. Devon Fuller requested the board provide Mr. Arlund with any concerns with the last budget shell prior to the meeting for consideration.

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

There was no executive session held.

## **11. Adjournment**

**Motion** by Richard Baker/Ethan Swift to adjourn the Select Board meeting at 9:04PM. **The motion passed unanimously – 4 to zero.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary