

***Brandon Select Board Meeting***  
**June 10, 2013**

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

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

**Also in Attendance:** Richard Baker, Chris Brickell, Wayne Rausenberger, Kathleen Rausenberger, Anna Scheck, Jeff Stewart, Linda Stewart, George Reilly, Anne Bransfield, Richard Kirby, Lee Kahrs, Steve Beck, Luke Shullenberger, Judy Bunde, Jess Berry, Bernie Carr, Mary Austin, Tecari Shuman

**1. Call to order**

The meeting was called to order by Board Chair, Devon Fuller, at 7:00PM.

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

**2. Consent Agenda**

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

**Motion** by Ethan Swift/Maria Ammatuna to approve the Select Board minutes of May 28, 2013 with a correction on Page 2, second line; the final quarterly payment to the Fire District. **The motion passed unanimously – 4 to zero.**

**3. Fiscal**

**a) Warrant – June 10, 2013 – \$41,029.84**

**Motion** by Maria Ammatuna/Ethan Swift to approve the warrant of June 10, 2013 for an amount not to exceed \$41,029.84. **The motion passed unanimously – 4 to zero.**

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

**. *Green Lantern Capital Presentation – Luke Shullenberger***

Luke Shullenberger of Green Lantern Capital, a Vermont development and asset management company that specializes in solar development, was present to provide a solar presentation to the board. In terms of local credibility, there are currently projects at Woods Market Garden and the city of Rutland. The firm would finance, own and operate the solar program and the town would receive credits on their Green Mountain Power billing as off-takers. It would represent a discount of about 16% to 17%. The town would enter into a net metering purchase agreement and there would be no exposure, upfront costs or risk to the town. There is a parcel of land in Sudbury and the project would produce 675,000 to 700,000 kilowatt hours per year. The estimated savings to the town would be about \$14,000.00. The firm is negotiating with the towns of Brattleboro, Chester, Bennington, Green Mountain College and is also working on another 20 to 25 other entities. The program is a tax equity financing fund that is attractive to investors who can take advantage of tax credits. Municipalities and not-for-profits cannot take advantage of the tax credits, which is why the program was developed. The firm partners with Vermont-based companies to build the projects and works with Vermont-based investors. Devon Fuller asked what would be required from the town. Mr. Shullenberger advised they need an off-taker for the credits and it is better to have one entity, like a municipality, and would require a commitment of a 20-year contract. Maria Ammatuna asked when the tax credits go away whether there is a purchase option at the end of the term for the town to purchase the arrays. Mr. Shullenberger stated there could be an option to host or non-host.

This project would not be hosted on the town's land and there could be discussion of a purchase option, but that would require a land lease. It is possible, but would require more discussion. Ms. Ammatuna asked if the proposed savings is a guesstimate and Mr. Shullenberger stated the figures are a guesstimate based on municipalities of this size. It was questioned whether the elementary and high schools could be included in the program and it was confirmed they could be included. This project would be located in Sudbury at 00 Route 30 West. Ethan Swift asked if the firm has applied for licensing of this project. Mr. Shullenberger advised they have applied for the certificate of public goods with the acceptance of an off-taker. They request that the town of Brandon consider this proposal and provide a response, as they would like to have the project completed this year. Blaine Cliver asked if the town can back out of the project if things change within a year. Mr. Shullenberger advised the project requires a 20-year commitment, with the rationale that the underlying terms of the contract need to match the term of the financing structure of the project. There is a standard contract that is used and would be the same as all other projects currently in place. Mr. Shullenberger noted he does not know of any other firms doing this type of program in the state. The manufacturer provides a 25 year expectancy on the solar panels and the Sudbury project would be fixed arrays. On larger projects, there are more economies of scale with the fixed arrays. Ethan Swift asked if the project has been vetted before the town of Sudbury and if they are being provided incentives. Mr. Shullenberger stated Sudbury is supportive of the project and will receive tax payments. This project will use about 4.5 acres for 500 kilowatts. Linda Stewart asked if this will be a negotiable rate and Mr. Shullenberger advised this would be a definitive contract as the economics of solar for investors is tight. Once Green Mountain Power has hit 4% of its capacity for solar, this type of deal will go away. The projects that are built now will be grandfathered in, but once the cap is met, there may not be any other projects written. In Green Mountain Power South, they are closing in on 2%, but there is a lot of development happening. Congress passed an extension on bonus depreciation and investors use depreciation as part of their return. Next year if this is changed, the deal may be different. Mr. Shullenberger stated solar has made great advances, but mostly on the cost and the solar cell technology is the same as it was 10 years ago. The installation costs have dropped over the past 24 months and experts say it is now sustainable. There is an indication the bottom has been hit and prices are starting to go up. George Reilly asked if there are scenarios where the town could end up paying more. Mr. Shullenberger stated the pricing is pegged to the actual value of the net metering credits and regardless of the value, the town will continue to receive the 10% and will only pay 90% of the actual value of net metering credits. The net metering program is Vermont statute and will never go away. Mr. Shullenberger asked the Select Board give this strong consideration and provide an answer within the next 30 days. A sample agreement was provided to the Select Board. In order for this project to be built, they would need an agreement executed.

## **5. Interim Town Manager's Report**

On May 29<sup>th</sup>, Brian Sanderson and Richard Baker attended a Highway Safety workshop at the Brandon Inn. Also in attendance were individuals from VTrans, state troopers, sheriffs, and constables. Mr. Baker thought it was a very productive meeting. On June 3<sup>rd</sup>, Mr. Fuller, Mr. Sanderson and Mr. Baker met at the Green Park to discuss various scenarios. Later in the day, Mr. Sanderson and Mr. Baker met with the successful bidder, based on the approved project worksheet. Later Mr. Fuller provided numbers to one of the abutting property owners. On June 4<sup>th</sup> the town received one bid for the town office renovations that can be discussed in more detail during executive session. Leanne Tingay, who is working with seven towns that were impacted by tropical storm Irene, visited the town with a consultant. The town will be working with them over the next three to four months to help identify prospective sources of funding. Also on June 4<sup>th</sup>, the town issued Return, Receipt, Requested letters to the four property owners involved in the Segment 6 waterline work. There was also a meeting on June 4<sup>th</sup> with 25 citizens to discuss how to better use the resources available in the town. On June 5<sup>th</sup>, there were 16 people who attended a tour of the incubator workshop located in Building J. Mr. Baker noted it was quite a transformation and the building has a lot of viability. On June 7<sup>th</sup>, Maria Ammatuna, Blaine Cliver and Richard Baker had a

meeting on the budget reporting process. A worksheet was developed to assist in prioritizing. It will also provide a paper trail for questions posed. The town received offers from the outside auditors and the CPA for the year ending June 30, 2013 that totals \$30,775.00. This item will be discussed during executive session. Discussions are also being held concerning the collective bargaining agreement that expires on 6/30/13. The contract specifies a particular insurance program that will not exist after December 31, 2013. A budget information meeting will be held on June 17<sup>th</sup>, with a budget revote to take place on June 18<sup>th</sup>.

Mr. Baker advised the Select Board had adopted an itinerant vendor ordinance in 2005 with the intent there would not be door-to-door salespeople. There is a college student who has requested to sell books door to door and Mr. Baker wished to clarify that this is not allowed. Chris Brickell stated there are two different versions of the itinerant vendor ordinance. Mr. Baker advised there will be a Red Cross blood drive from Noon to 5:30PM on Thursday. Mr. Baker stated there is an MOA between the Select Board and the Friends of the Town Hall that indicates a Select Board member will be on the Committee. The Friends of the Town Hall will be holding their annual meeting this Thursday and the Select Board may want to appoint someone as their representative.

Maria Ammatuna questioned how the updates will be done for Segment 6 and Bridge 114. Richard Baker stated there will be a meeting next Tuesday with VTrans, CLD, VHB and others to talk about the waterline project. There will also be a meeting with Aldridge and Elliott, after which the website will be updated and there will be a hyper-link back to the town's website. The site will enable people to ask questions or provide comments.

Mr. Baker reported the joint meeting of the various town groups was a productive meeting and it is hoped that follow-on meetings will be held. Maria Ammatuna requested the results of the survey that had been completed. Mr. Baker will ask Mr. Beck about the results. Devon Fuller questioned whether Mr. Baker had received a response from Jim Carroll concerning the space between the town office and the Leary building. Jim Carroll responded via email that the town does not own the space. It was noted there is no written agreement that indicates how the parties are supposed to share the space. Blaine Cliver asked if this item can be moved forward with the Leary's to come to an agreement on the space. Mr. Baker noted they seem ready to move forward. Maria Ammatuna stated with regard to the electrical trends in the town, there was a ramp up in April and May, with the biggest electrical user being the wastewater treatment plant. Devon Fuller stated the town should pursue the Efficiency Vermont LED light program and the solar program. Mr. Baker will provide an update on the LED light program. Mr. Baker noted he has also sent an email concerning the Poirier building to obtain an update.

## **6. Public Works Report**

Brian Sanderson had provided a written report to the select board. Maria Ammatuna stated there is a priority order for the roads, however, a sidewalk inventory is also needed. The board would like an equipment schedule that provides information on the equipment needing repair and when they are scheduled for replacement. Devon Fuller stated a deadline for the sidewalks could be later this summer and revisited in September. Richard Baker reported the street-sweeping was started this morning. Ethan Swift advised there may be additional funding available from the "Better Back Roads" program and having a capital work plan and road improvement plan would help in applying for additional grant opportunities. Maria Ammatuna questioned whether there could be notices to the public placed in The Reporter when the town is doing projects like the grading. Richard Baker stated there is a list of 35+ miles of gravel roads and their first priority is roads that have school buses. In the event of issues, there could be roads that would be addressed earlier. Ms. Ammatuna also noted she has received questions about the outstanding balance on taxes, since the individual names have been removed from the town report. Devon Fuller advised the names were removed to save on the cost of printing, but the delinquent taxes are well tracked and are available to the public. Mr. Fuller noted the sewer delinquencies are a larger issue right now and this needs to be addressed. The last delinquent tax sale was March 2011 and the dollar

amount is in the annual report. Mr. Baker stated all delinquents taxpayers received a letter and there is nothing secret about the information and anyone from the public can request this information. There is \$318,000.00 in delinquencies and Mr. Baker has held off with entering into any agreements until this item is discussed with the select board.

## **7. Town Infrastructure**

Richard Baker stated project worksheet #2876 was extended to November 2014, due to the H & H study to determine its impact. In Mr. Sanderson's report, relative to the Green Park, it was noted that getting rid of all the trash has been an improvement. In the project worksheet, most of the real estate is not town property. A suggestion has been made to install rip-wrap to save the town's infrastructure, which could be started at any time. Mr. Rose and other individuals were contacted regarding the project and there have been various answers provided. It is the consensus if the town wants to change the work scope, it will have to be approved. In the other area of the park that is town property, the contractor has committed to setting the bricks and there is nothing that prevents him from doing this job. The funding for the additional bricks will also be researched. There are some concerns with work project #2876 and it was questioned whether there has been discussion regarding the project with Mrs. Russell. Mr. Baker advised she has turned this conversation over to her son. Devon Fuller stated there has been discussion of opening a portion of the park and noted there was a question whether the town would lose the FEMA funding. Mr. Baker advised he has contacted Mr. Dougherty, however, he has not received an answer from him. Mr. Fuller noted there is a portion of the project that could be done and the contractor has advised that he could start immediately. It was noted that the overflow and hazard mitigation grant is due July 12<sup>th</sup>. Ethan Swift stated the question is how to stabilize the area near the building. Richard Baker stated the town will need to talk with the Vermont Agency of Transportation and they will want to know what direction on the town is moving in. The Select Board requested Mr. Baker instruct the contractor (Bagley) to start as soon as possible and Mr. Baker will get in contact with the person who has the bricks.

Maria Ammatuna stated the Blue Grass Festival is scheduled for July 11 – 14<sup>th</sup> and Mr. Baker assured that the road will be repaired by that time. Devon Fuller stated there is a need for an additional public works person to enable the DPW to do the work that is needed.

## **8. Communications**

Maria Ammatuna provided feedback from the work session that was recently held. Richard Baker, Wayne Rausenberger, Blaine Cliver, Maria Ammatuna and Devon Fuller held a work session to discuss ideas and information to bring back to the board. They worked on the history of the audit, audit functions and discussing the responsibilities of the Trustees of Public Funds. An inquiry form was developed for people requesting information from the town and the form will be available on the town's website or at the town office. Richard Baker stated the idea is that this will provide a work flow and provide a history of questions and comments for future staff and board members for reference. A suggestion was made to include contact information for response to the inquiries. Ms. Ammatuna also met with Anna Scheck to discuss the town's finance software and advised there is software that will enable the select board to budget out. The taxpayers had asked at the information meeting about the funds and there are 20 funds that Ms. Scheck has to keep track of, in addition to the operating budget. The select board will be versed in what are in the individual funds. They will have a management tool for reviewing and will be able to see what funds are available. It was noted the Recreation funds and expenses will be noted in one account that will show the information related to each program. Devon Fuller stated the activities coordinator will be held accountable to not only the funding, but also the equipment related to the programs. Linda Stewart stated sponsorship values should also be noted in the Recreation fund accounting. Mr. Swift questioned the status of the outlines for the other projects, similar to what Mr. Baker did for the waterline project. Mr. Baker requested Mr. Swift provide a copy of the matrix that had

been developed to assist in this effort. Devon Fuller stated part of the information will be provided by VHB for the waterline, Segment 6 and Bridge 114. VHB and the town manager will be responsible for the update of the projects posted on the website. Blaine Cliver stated the budget is now on the town website and is comprehensive and provides a comparison of the last budget to the proposed.

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

Anne Bransfield questioned the status of the letters sent to the Select Board with regard to the Planning Commission appointments.

**Motion** by Ethan Swift/Dave Atherton to appoint Anne Bransfield and Linda Stewart to the Planning Commission for a three-year term that will expire June 30, 2016. **The motion passed unanimously – 4 to zero.**

Richard Baker reported there are three vacancies on the Revolving Loan Fund committee, two vacancies on the DRB, potentially five vacancies on the Planning Commission and a request from Gary Meffe to add an alternate to the Mosquito District committee. The vacancies will be posted in the newspaper to obtain letters of interest in serving on the committees.

Maria Ammatuna spoke with Anna Scheck about the encumbering process from one fiscal year to the next. The Planning Commission would need to have the consultant provide a letter of intent or contract to the interim town manager prior to June 30<sup>th</sup> to enable the town to encumber this year's funds for this purpose. There is currently \$2,000.00 in the Planning Commission budget and there would need to be an additional \$2,500.00 above the next fiscal year's budget of \$2,000.00 to fund the consultant's fee in full. Ethan Swift would be reluctant to commit to the additional \$2,500.00 until the outcome of the budget is determined.

Kathy Rausenberger asked if the activities coordinator has reviewed the equipment that was at the gas station. Ethan Swift recalled that the activities coordinator has looked at this inventory and had reported to the board what is usable. Mr. Baker will confirm this with the activities coordinator. Ms. Rausenberger questioned whether the select board would be appointing someone to the Town Hall committee prior to the annual meeting that is scheduled for this Thursday, June 13<sup>th</sup> at 6:30PM in the town hall. The MOA dictates a select board member serve on the committee and Mr. Baker had been the representative when he was on the select board. This appointment will be discussed at a subsequent select board meeting. Bernie Carr questioned the status of the road patching near St. Mary's and Rositer Street. It was noted that the patching near St. Mary's is complete. Mr. Carr also advised the gate to the town cemetery near the Congregational Church is in need to repair. Mr. Carr also requested the Brandon Police Department pay attention to people passing on the right, as there is a danger for accidents. Lee Kahrs introduced Jess Berry as the new intern for The Reporter. Ms. Berry is a recent graduate of Middlebury College.

## **10. Old/Other Business**

Ethan Swift noted, as a matter of transparency, that a letter of support for the town budget to be submitted to The Reporter was crafted as a result of the work session that had taken place. In the absence of a meeting, this information was generated and distributed to the board members for approval and ratification of this approval is necessary.

**Motion** by Maria Ammatuna/Blaine Cliver to approve the submission to The Reporter a letter of support for the budget on behalf of the select board. **The motion passed unanimously – 4 to zero.**

Devon Fuller reported Steve Beck and he attended a state economic support meeting in Rutland. The state understands economic development needs to be worked on throughout the state and this was their first summit to discuss the issues. It is hoped there will be more assistance from the state to improve the economy within the state.

Maria Ammatuna stated there has been discussion about speed limits and recommended the Public Works Manager and Police Chief review the ordinances to determine if zone changes could be made in extending out the 25 mph speed zone. She also questioned whether there is a need to have the incremental changes from 45 mph to 35 mph, etc. Ms. Ammatuna also noted there had been a discussion of having a MOA with Neshobe School with regard to the services of the activities coordinator. This item will be discussed at a subsequent meeting.

With regard to the draft of the Merchandise and Display ordinance that had been submitted to the select board at the last meeting, Richard Baker had advised individuals that action was not going to be taken on this item this evening. Tina Wiles had provided an email to the select board extracting the changes that had been made and currently there are some unresolved issues that need to be clarified. With regard to the review of the Inside Scoop building, Mr. Cliver has viewed the building and will research the item in the property records at the town office. Mr. Baker noted the lawn area belongs to the Pattis' and is noted in Book 11, Page 6. Devon Fuller has not seen the version that Tina Wiles had sent to the select board and it was the consensus of the board to table this discussion to the next meeting.

Richard Baker questioned the board what they would like to do about door-to-door vendors. It is Mr. Baker's interpretation of the ordinance that there should be no selling door-to-door and he will advise the current requester that it cannot be done. It was noted that non-profit organizations are exempt from the ordinance.

**Motion** by Ethan Swift/Dave Atherton to enter into executive session at 9:11PM for the purpose of discussing contractual matters. **The motion passed unanimously – 4 to zero.**

#### **11. Possible Executive Session (Contracts/Personnel)**

The board came out of executive session at 9:55PM. There were no actions required.

#### **12. Adjournment**

**Motion** by Blaine Cliver/Dave Atherton to adjourn the Select Board meeting at 9:56PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary