

**Brandon Select Board Meeting
March 25, 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, Lee Kahrs, Allan Leavitt, Helyn Anderson, Francis Farnsworth, Jim Leary, George Reilly, Mary Austin, Robert Kilpeck, Phyllis Reed, Richard Kirby, Anna Scheck, Abby Friedman, Kevin Thornton, George Wetmore, Kellie Martin, Ray Counter, Tina Wiles, Bill Dick, Lucia Suarez, Maria Ammatuna, Ann Marie Roth, Tecouri Shuman, Steve Beck, Roman Wdowiak

1. Call to order

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

a) Agenda Adoption – Motion by Ethan Swift/Dave Atherton to adopt the agenda with a change to moving the VLCT presentation to Item 2, addition of Item C under Finance and discussion of vacation pay for the Town Manager. **The motion passed unanimously – 4 to zero.**

2. VLCT Presentation

Abby Friedman thanked the Board for inviting VLCT to potentially help with their search for a Town Manager. VLCT has provided this service for about 30 years and have developed an expertise in this area. They can offer assistance that might not be available otherwise. The information packet presented to the Board provides the tasks the VLCT can do and provides a number of materials for information. A compensation report for managers' salaries across the state based on a 2012 survey by VLCT was included to provide a sense of manager's salaries. Information on background checks, confidentiality, a sample of advertising and a summary ranking sheet for the applications was provided. Ms. Friedman noted if a job description is not available, they can assist in developing it. Advertisements would include national and regional publications, as well as email postings. They can also assist with the office administration of placing the ads, along with accepting the applications, tracking and sorting the applications by criteria and providing the information to the Select Board on all applications received. Once the interviewing process is determined, such as the creation of a selection committee, they can also help organize that process and set up the interviews. As the interviews are narrowed down, VLCT can do reference and background checks, and help with the negotiation of a finalist. The cost for the service is a not-to-exceed amount of \$5,000.00, plus the cost of advertising. Ms. Friedman noted that the cost of recent searches has been around \$3,000.00. An acknowledgement letter would be provided to each applicant. The VLCT assures that all the proper steps are taken. Ms. Friedman hopes to help with an Interim Town Manager, noting she has contacted a couple of people and she is waiting to hear back from her contacts. Interested parties can be put directly in contact with the Select Board or they can be filtered through the VLCT. They have recommendations for advertising and will post in other publications that the Select Board requests. Much of the work is done via the internet that helps speed up the process. The VLCT would require the Select Board sign an agreement, assign a point person and advise

VLCT of the details such as job description, salary range, etc. Ms. Friedman noted the process could take as long as six months, however, they have completed hiring in 3 months. The background checks would include criminal, civil and driving and reference checks. As far as an Interim Town Manager, it is hoped to complete this process as soon as possible.

Motion by Blaine Cliver/Dave Atherton to work with the VLCT to obtain an Interim Town Manager and in hiring a new Town Manager.

Devon Fuller stated the Board will need to step up and do more on the projects that they have been involved in and he agrees that there needs to be an Interim Town Manager.

Motion by Richard Baker/Ethan Swift to split the original motion for voting. **The motion passed unanimously – 4 to zero.**

George Reilly questioned Ms. Friedman if there is a source of similar comparisons from the private sector. Abby Friedman stated the salary survey is existing Town Managers. Ms. Friedman advised they have only municipal comparisons as they collect information from member towns, however, there is a non-profit survey done every year and that could be a potential resource for that type of information.

Mary Austin asked if the Town is expected to pay mileage for applicants traveling from a long distance as this could amount to a large sum of money. It was noted this would be a reason for using Skype for initial interviews.

Motion by Blaine Cliver/Dave Atherton to request VLCT's assistance with the Interim Town Manager search. **The motion passed unanimously – 4 to zero.**

Motion by Blaine Cliver/Dave Atherton to hire VLCT to assist in hiring a permanent Town Manager. **The motion passed unanimously – 4 to zero.**

Richard Baker noted an agreement would need to be ratified prior to the start of the process.

3. Consent Agenda

a) Approval of Minutes – March 11, 2013 - Select Board

Motion by Richard Baker/Ethan Swift to approve the Select Board minutes of March 11, 2013. **The motion passed unanimously – 4 to zero.**

b) Consider BIDCC Road Closure Request

Devon Fuller stated a request was received from the July 4th Celebration Committee.

Motion by Ethan Swift/Richard Baker to approve the requests from the Brandon Independence Day Celebration Committee. **The motion passed unanimously – 4 to zero.**

Richard Baker stated if the contract for the water line has been awarded, they may have to parade on the other side of the park. If the waterline starts at the other end, there will be more restrictions. As it gets closer to the parade, it will need to be determined how the road closures will take place.

- c) *Title 24, Section 871, Appointment of Town Officials*
 - a) *Tree Warden*
 - b) *Fence Viewers (3)*
 - c) *Poundkeeper – Rutland County Sheriff’s Department (per Animal Control Contract)*
 - d) *Inspector of Lumber, Shingles and Wood*
 - e) *Weigher of Coal*
 - f) *Town Service Officer*
 - g) *Green-Up Day Coordinator – Jim Leary*
 - h) *BLSG Insect Control District – Gary Meffe, Wayne Rausenberger*
 - i) *Auditors (3)*

Richard Baker questioned if the appointments have been advertised. Anna Scheck advised the appointments have been advertised on the town website and the current appointees received letters from the Town. Ethan Swift suggested posting the positions in The Reporter prior to the appointments. Devon Fuller stated there are appointments that should be advertised, as it is a statutory obligation. All interested parties should direct their letters of interest to Anna Scheck. Suggestions were made to do the appointments for the Green-up Coordinator and the BLSG Insect Control District.

Motion by Richard Baker/Ethan Swift to approve the appointment of Jim Leary as the Green-Up Day Coordinator. **The motion passed unanimously – 4 to zero.**

Motion by Ethan Swift/Blaine Cliver to approve the appointments Gary Meffe and Wayne Rausenberger as the BLSG Control District representatives. **The motion passed unanimously – 4 to zero.**

Phyllis Reed stated last year she had asked to be reappointed to the three year term and questioned why it was necessary to reapply. Richard Baker stated that by statute, it is required to reappoint each year, except for the Trustees of Public Funds. Devon Fuller stated this is a statutory requirement of the Board and there needs to be at least two more applicants.

4. Fiscal

a) *Warrant – March 25, 2013 – \$86,858.39*

Motion by Blaine Cliver/Richard Baker to approve the warrant of March 25, 2013 in the amount of \$86,858.39. **The motion passed unanimously – 4 to zero.**

b) *Warrant – March 18, 2013 – Postage - \$2,000.00*

Motion by Richard Baker/Ethan Swift to approve the warrant of March 18, 2013 in the amount of \$2,000.00. **The motion passed unanimously – 4 to zero.**

c) *Warrant – March 26, 2013 - Tinker Survey - \$368.00*

It was confirmed the Mylar has been submitted to the Town Clerk and work has been finalized.

Motion by Richard Baker/Ethan Swift to approve the warrant of March 26, 2013 to Tinker Survey in the amount of \$368.00. **The motion passed unanimously – 4 to zero.**

d) ACH Funds

Richard Baker stated by state statutes, all ACH withdrawals for hunting and fishing licenses need to be approved by the Board. Mr. Baker stated it is additional work for the staff to do this on every withdrawal and suggested the Board request a summary statement of all ACH withdrawals once or twice a year for the Board's approval. Mr. Baker noted similar to the postage, the state has set up where licenses for fishing and hunting are computerized and they send a notice each Monday that they will take the funds from the Town's account. Bill Dick noted that so far the process has worked well.

Motion by Richard Baker/Ethan Swift to direct the staff to provide a statement at the end of June and the end of December for approval of the ACH funds paid. **The motion passed unanimously – 4 to zero.**

Devon Fuller stated there is a discrepancy with the Town Manager's vacation pay that requires discussion. This item will be discussed during Executive Session.

5. Consider Interim Town Manager

Discussion of the Interim Town Manager was held during the VLCT presentation. Devon Fuller stated when Mr. Arlund stepped down Chief Brickell had agreed to be Acting Town Manager until an Interim Town Manager is chosen. Mr. Fuller stated there are projects that need to move along, with the #1 project being the Option 8 water line. VHB is the contract manager, but they do not currently have a contact with the Town. Ray Counter has been highly involved in this project and Mr. Fuller suggested Mr. Counter be the contact person for this project for the interim. There is also the Town Office renovation that needs to be pushed forward and Blaine Cliver has been involved in that project. Mr. Fuller noted there are several smaller projects, such as the rock pile on Newton Road, the park projects and the Churchill Road project that also need attention. Mr. Counter stated Option 8 is a water line project and the Fire District should have been more heavily involved in the first phase and decision-making of the project. The pipe will take 4 to 6 weeks to be delivered once the order is received and it needs to be pushed along. There had been discussion that it would be more like late summer for the project, but the project has to continue to be pushed along. Richard Baker indicated the State sees this as a Town project and it needs to be pushed by someone in the Town, not by a separate municipality, such as the Fire District. When problems occur, the State will come back to the Town, not the Fire District. Mr. Counter asked when someone from the Town will start pushing, as it has been over a year. Mr. Baker stated there have been issues involved and the Town is close to having the project taken away. Devon Fuller stated if Mr. Counter is pushing from the Town's end and keeping Chief Brickell up to speed on the project, it could continue to be moved along. Ethan Swift did not see why Mr. Counter could not push things along, while keeping the Select Board and Chief Brickell apprised of the project, for the Town's responsibility. Mr. Fuller stated VHB is the Project Manager and they are waiting for the Town to contact them and it has been a back and forth situation for too long. Dave Atherton questioned if there is staff in the Town Office that would be helpful in moving the process along. Tina Wiles advised she has been working with the project. Mr. Counter is willing to work with Ms. Wiles to push the project through. Ethan Swift stated as long as the Town is being kept privy to all correspondence, this would be in the Town's and the Fire District's best interest. Chief Brickell stated the Board does not have the statutory authority with contracts and someone has to be authorized to sign off on projects and he

sees some statutory conflicts in moving these projects forward. In being the point person in assuring that all Board members are provided the updates could make items worse. Devon Fuller appreciates the Police Chief's concern and the Board needs to figure out a way to keep the Select Board informed and up to speed on discussions. Chief Brickell stated the Board is looking to have a point person between Patty Coburn, Ray Counter and the Select Board and he is concerned with all parties receiving correspondences and understanding them. Ethan Swift stated it is incumbent upon VHB to assure that they are the ones to shepherd this project along. Mr. Baker noted there needs to be a single clearing house in the Town to talk to them. Ray Counter stated the major hurdle is the right-of-way process with the four property owners and putting this project off is not the answer and it needs to be determined who will be doing this part of the process. Ethan Swift stated Mr. Arlund offered to assist in the transition and this may be an area that his continued involvement would be helpful. Mr. Baker stated he does not know why the waiver evaluations are taking so long at VTrans, as it is only four properties. Mr. Fuller noted Patty Coburn needs to be contacted to find out where the waivers are and once this information is received; it needs to be determined who will work on the project. Chief Brickell is willing to contact Ms. Coburn, as Acting Town Manager, to request the information if the specifics are provided to him. Chief Brickell will be provided the information the Town would like to request. The Select Board will hold a special meeting next Monday to discuss the item.

Blaine Cliver stated there is a meeting scheduled this Thursday and the engineer of record for the Town Office will be attending and Mr. Cliver would like to be assured that he will be paid, as this expense was authorized prior to Mr. Arlund leaving. Chief Brickell stated he was advised that this is an additional expense. It was noted that if this is on a proper invoice and provided to the Town it will be approved and paid by the Town. Mr. Cliver stated there will be discussion of installing additional beams or perhaps another solution. Ethan Swift stated the committee was going to look into flood-proofing the first floor and questioned if this has been a consideration. Tina Wiles stated Mr. Cliver needs to be careful about discussion, as he sits on two different committees. Ethan Swift stated Mr. Arlund had emphasized moving the bid package forward and flood mitigation needs to be discussed and it is hoped that during Thursday's meeting this item will also be discussed. Richard Baker advised the Town has to file the mitigation grant application at the same time as the RFP and if money is spent prior to the grant approval, it would jeopardize these funds. Ethan Swift stated any work happening in the flood area would require approval from the Zoning Administrator. Tina Wiles confirmed any reconstruction in that building has to be reviewed by zoning.

Devon Fuller stated there had been a contract for removal of the Newton Road rock pile and questioned status of this item. Ethan Swift reported he has had discussions with the vendor who won the bid and the property owner, and there is a plan in place to address that issue.

Richard Baker stated it would be helpful to develop a matrix of the projects that would include the contact person and status of each project.

6. Order of Alteration of TH22 – Churchill Road

Ethan Swift provided a revision to the document that the landowner is the U.S. Forest Service, not the Green Mountain National Forest.

Motion by Richard Baker/Dave Atherton to approve the Order of Alteration and record it and

the Mylar in the land records. **The motion passed unanimously – 4 to zero.**

7. Schedule Reports from Committees and Officials

Tina Wiles stated there is potential litigation and an appeal was filed regarding the marijuana facility. Ms. Wiles advised the Town's attorney has noted it is premature for the Town to take status on this item and due to the active litigation; this subject should not be discussed by any Town Official.

Richard Baker questioned the Town Clerk regarding the Town budget revote. Bill Dick stated a petition with 564 names was received and a revote will be required within 60 days. This does follow the regular warning requirement and there is a small window of when to hold the revote. Mr. Dick has discussed this item with the Neshobe School Principal and was advised the school could be made available for the voting, once a date is set. The last date possible would be May 23rd and the earliest could be within 36 days.

Motion by Richard Baker/Ethan Swift to warn the revote of the budget for Tuesday, 4/30/13, at Neshobe School, pending availability of the school. **The motion passed unanimously – 4 to zero.**

The Board will decide whether to hold an informational meeting. Mr. Dick will research whether the informational meeting has to be warned at the same time as the revote warning.

8. Town Manager's Report

There was no discussion held.

9. Public Works Report

Devon Fuller stated Brian Sanderson has reported the Department is doing regular operations at this time.

10. Town Infrastructure

Discussion was held during Agenda Item 5.

11. Citizen's Public Forum

Wayne Rausenberger questioned the status of the H & H study. Ethan Swift reported it is due by March 29th.

Kevin Thornton stated there are two individuals here from UVM Historic Preservation. Mr. Thornton noted when completing the search for a town manager, the board should be sure the individual understands the economic value of the historic village and the importance of the bridge on Route 7.

Jim Leary encouraged the board to have citizens on the hiring committee to afford the opportunity to weigh in.

George Wetmore requested an update on the water problem on Maple Street. Devon Fuller stated he currently does not have an update on the situation.

Kellie Martin questioned if Chris Brickell, as Interim Town Manager, will be compensated accordingly, since he is going to be doing two jobs. It was noted this would be a discussion for Executive Session.

12. Old/Other Business

Richard Baker reported the OV Walking Stick Theater won their competition and they will be going to the state competition. Mr. Baker reported Omya has recently awarded funds to the Brandon Boys and Girls Club.

Ethan Swift stated there had been discussion at the last meeting concerning the need to address the speed limit on Wagner Road and Mr. Swift wanted to be sure the process is continuing on this effort. Mr. Swift has had discussions with Brian Sanderson about Bridge 23 on Wheeler Road. VTrans had provided an \$18,000.00 Structures grant, but this is not enough money to rebuild the bridge to appropriately size it. Tina Wiles advised the completion of the FEMA buy-out of the house next to the bridge should be completed by July, which will provide more options for this bridge. Ms. Wiles noted a hazard mitigation grant can also be applied for. Mr. Swift also suggested something recognizing the Town Manager's several years of service should be done.

Blaine Cliver provided information on a response to CLD's request for answers on Segment 6, primarily on the Central Park sidewalk layout. Mr. Cliver prepared a response with a graphic done by Robert Black showing a layout that included measures to slow traffic and a change in the gazebo location, moving it a little farther east to provide a larger audience area. If the board was in agreement with the document, it needed to be determined who could sign a letter to be sent back to CLD. Mr. Cliver stated that CLD could probably do a little more work on the parking. Richard Baker stated the letter that had been drafted by the board and signed by the Town Manager was supposed to be a final letter and Mr. Baker thought this would further complicate the matter. Mr. Baker stated the Board is violating an issue, as the Select Board is not the design engineer for Segment 6. Mr. Baker noted the Board needs to stop the design on this 15-year old project. Blaine Cliver stated there was originally a problem with the design process and Mr. Baker noted the design process had been followed and it has been an extraordinary situation that VTrans has allowed the changes. Tina Wiles cautioned that Mr. Cliver is sitting on the Downtown Alliance Board and also on the Select Board. Mr. Cliver stated that he would like to get this project finished and try to get something that will work for the Town. Mary Austin asked what capacity Mr. Cliver has been involved with the project and it was noted that he has been on the Design Committee. Mr. Fillioe stated this project has gone back twenty years and the two reasons it was originally developed were due to the high rate of accidents and pedestrian traffic at that time. Devon Fuller asked when the questions had been received from CLD and it was noted that they came into Mr. Arlund and were distributed to all of the Select Board members. Mr. Baker noted he was not challenging Mr. Cliver's expertise, but in sending a letter, it will reopen the process again and CLD was not in the position to pose questions. Devon Fuller stated the letter should be sent to VHB and the Board was in agreement. Anna Scheck will draft a cover letter to VHB for the acting Town Manager to sign.

Kathy Rausenberger stated if the school is not available for the revote of the budget, the Town Hall would be available.

Motion by Richard Baker/Ethan Swift to recess as the Select Board at 8:54PM for the purpose of convening as the Board of Liquor Control Commissioners. **The motion passed unanimously – 4 to zero.**

The Select Board reconvened at 8:57PM.

Motion by Richard Baker/Ethan Swift to enter into Executive Session at 8:58PM for the purpose of discussing a personnel matter. **The motion passed unanimously – 4 to zero.**

13. Possible Executive Session

Motion by Richard Baker/Blaine Cliver to come out of Executive Session at 9:32PM. **The motion passed unanimously – 4 to zero.**

Motion by Ethan Swift/Blaine Cliver to authorize the Town staff to compensate Keith Arlund for 56 hours @ \$37.91/hour totaling \$2,122.96. **The motion passed unanimously – 4 to zero.**

Motion by Ethan Swift/Blaine Cliver to appoint Police Chief Chris Brickell as Acting Town Manager. **The motion passed unanimously – 4 to zero.**

14. Adjournment

Motion by Richard Baker/Ethan Swift to adjourn the Select Board meeting at 9:35PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary