

Brandon Select Board Meeting
October 28, 2013

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

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

Also in Attendance: Robin Bennett, Wayne Rausenberger, Kathy Rausenberger, Tracy Wyman, Lou Faivre, Richard Baker, Brian Sanderson, Jeff Stewart, Eric Mallory, Dick Kirby, Roman Wdowiak, Delores Furnari, Phyllis Reed, Jim Leary, Arlyn Bloodworth, Nancy Leary, Bruce Edwards, Bernie Carr, Tecari Shuman, Lisa Kenyon, Peter Smith, Steve Bessette, Tina Wiles, Steve Beck

1. Call to order

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

a) Agenda Adoption – Motion by Blaine Cliver/Dave Atherton to adopt the agenda with the addition of the following agenda items: Approval of the minutes of the special select board meetings of 6/12/13, 7/1/13, 7/9/13, 7/21/13, 7/22/13 and 8/16/13; Item 6(b) – Newton Road Rock Pile; Item 14(f) – Warrant of October 28, 2013 for \$3,461.25.

Maria Ammatuna questioned the wording of the postings for the Select Board meetings on the bulletin boards. Robin Bennett will draft a change to the posting to make it clearer.

The motion passed unanimously – 4 to zero.

2. Consent Agenda

a) Approval of Minutes – October 14, 2013 – Select Board

Motion by Dave Atherton/Blaine Cliver to approve the minutes of the October 14, 2013 Select Board meeting, as corrected. **The motion passed unanimously – 4 to zero.**

Page 3 – Maria Ammatuna to provide wording.

Page 7 – Section 11, second line – include the meaning of the acronym VDAT (Vermont Downtown Action Team)

b) Approval of Minutes – October 16, 2013 – Special Select Board

Motion by Dave Atherton/Blaine Cliver to approve the minutes of the October 16, 2013 Special Select Board meeting, as corrected. **The motion passed unanimously – 4 to zero.**

Page 3 – Section 3 – Paragraph 7...a correction to first sentence to read shaking and mortar.

An addition of Judith and George Riley and Rosebelle's B & B to those who came to Maria Ammatuna regarding the shaking.

c) Approval of Minutes - 6/12/13, 7/1/13, 7/9/13, 7/21/13, 7/22/13 and 8/16/13 – Special Select Board

Motion by Blaine Cliver/Maria Ammatuna to approve the minutes of the 6/12/13, 7/1/13, 7/9/13, 7/21/13, 7/22/13 and 8/16/13 Special Select Board meetings. **The motion passed unanimously – 4 to zero.**

3. Public Comments for Items not on the Agenda

Kevin Thornton stated Bridge 114 is a precious Brandon resource and was built to last and is still structurally sound. The town should include the Design Committee in the discussions.

Richard Baker thanked the Select Board for the series of Special Select Board minutes, however, the meeting of 8/23/13 is missing and there was no motion of accepting or signing a contract for the new town manager.

Nancy Leary stated there are a lot more pressing issues that should be moved forward such as the town office building and why it had been demolished.

4. 114 Wheeler Road Bids

There was an RFP request for the demolition of 114 Wheeler Road and a recommendation was made to the Select Board to accept the low bid submitted by Champlain Construction in the amount of \$16,096.53.

Tina Wiles has worked with Bob Ennis of Two-Rivers-Ottawquechee and she has tried to make it so that the bids are comparing “apples to apples”. There were four contractors that met the requirements. Ms. Wiles then researched if they were responsible bidders with a good reputation and the right qualifications. Due to federal funding, the town has to go with the lowest bidder. Devon Fuller thanked Ms. Wiles for all the work she did on this process. Ms. Wiles reported the town received an extension to December 31st and all contractors could meet the deadline. Due to the asbestos testing that came back positive, it would take two weeks to get the required documentation which would be beyond the original demolition date, however, the December 31st date is doable. There were two environmental firms at the pre-bid meeting and there were individuals from Stream Alteration present to describe what is expected. The spec requires taking out the house and foundation and 4 – 5 feet deep of soil to make it slope away from the road and make it more of what the terrain used to be. Ms. Wiles has worked with the contractors and instructions have been provided on how to seed, what to stay away from and which trees are to be removed. The project is subject to FEMA regulations, Flood Plain Management and Stream Alteration. The approved contractor will sign a contract that provides more specific details. Ms.

Wiles stated this project is not interrelated with the Wheeler Road Bridge work and the town will need to reapply for a Structures grant for the Wheeler Bridge. Ms. Wiles advised there is a 6th round of grants and suggested the town submit another application for the replacement of the Wheeler Bridge. The HMGP grant covered the asbestos removal.

Motion by Dave Atherton/Blaine Cliver to approve the bid for Champlain Construction for an amount not to exceed \$16,096.53 for the demolition of 114 Wheeler Road. **The motion passed unanimously – 4 to zero.**

5. Sidewalk Inventory

Devon Fuller stated the sidewalk inventory is excellent and thanked Mr. Sanderson, noting it is thoroughly done and easy to understand. Brian Sanderson stated there are 7.4 miles of sidewalks, with 5.7 miles of those sidewalks not addressed in the Segment 6 project. Once the project is complete, Mr. Sanderson will begin to phase in work on the remainder. Based on the severity, he has rated .79 miles are very good, 2.2 miles are good, 1.15 miles are fair and 1.57 miles are considered poor. In considering repair strategies, there will need to be a focus on what is needed for the surfaces. The cost for concrete is greater than asphalt, with concrete \$68.00/linear foot and asphalt \$58.00/linear foot. Mr. Sanderson will meet with the town manager to discuss development of a budget for addressing the issues. Based on a budget of \$35,000/year, the town could replace 515 feet of sidewalk versus 700 feet of asphalt. It would take approximately 16 years to do the repairs with concrete versus 12 years for asphalt if proceeding in this manner. Mr. Sanderson will try to secure grants through Safe Routes to Schools, Transportation Alternatives and others. The information has been stored on Google for future reference. Blaine Cliver suggested it be placed on the town's website in some format that would be comprehensive and understandable for people. Ethan Swift volunteered to create a table that would provide information on how the sidewalks could be addressed. Maria Ammatuna asked if the curbing would be an additional expense to the project. Mr. Sanderson advised the curbing would be an additional expense with the sidewalk replacement. There is ADA compliance and there are some existing sidewalks without curb that would need to be delineated. When replacing the sidewalks there would need to be a minimum width of five feet to comply with the American Disability Act. It was questioned if sealing the asphalt increases the life span and it was confirmed it would. Ms. Ammatuna stated when adding up the cost to replace the poor and fair sidewalks, it would be \$716,000.00 for asphalt or \$974,000.00 for concrete. She asked if a bond might be considered to bring the poor and fair sidewalks up to speed sooner. Ms. Ammatuna suggested Ms. Bennett look into pricing of a bond. Ethan Swift stated there could be some creative ways of financing, potentially through grants. Maria Ammatuna stated in the past there were no grants available for maintenance, but were available for new sidewalks. Brian Sanderson stated maintenance would be putting another inch or two on an existing sidewalk, but his considerations would be full depth construction and creating an ADA compliant sidewalk. Mr. Sanderson stated when doing the estimate, the minimum requirement of base material is 8 inches and his estimate is 12 inches, which could increase the lifespan of the sidewalk with the construction of a new base. Mr. Cliver stated there is concrete available that is salt-resistant. Mr. Sanderson noted all salt is detrimental to concrete and some more than others.

6. Public Works Overtime

Brian Sanderson read the following memo that he had submitted to Robin Bennett and the Select Board on October 21, 2013 regarding overtime for the Highway Department:

“Please be advised that for FY07/08 thru FY09/10, the budgeted amount for overtime was \$15,000. For FY10/11 to FY12/13 it was increased to \$20,000. The FY13/14 budget reduced it to \$8,000 (the 6 year average for actual overtime expenditures was \$17,427.39). Of the \$8,000 budgeted, \$4,623.08 remains, reflecting a usage of 42.21%.

Although I have issued a moratorium on overtime expenditures, conditions exist that require overtime on behalf of the staff. Emergency call-outs for storm related problems (trees across roads, water across roads) have to be addressed for the safety of the travelling public. Tree problems, that require the use of a chain-saw, require 2 personnel to respond (for safety concerns). This past summer has seen a number of personnel call-outs due to severe weather. Be advised that the Union Contract mandates that any personnel called in to work (outside of normal work hours) automatically receive a stipend equal to 2 hours of regular pay.

Staffing issues have also affected the overtime budget line item. Although the Town approved to add a fourth highway worker, the extended absence of a full-time employee this year (due a non-work related injury) has not allowed for the full compliment of staff. Combined with the numerous severe weather/rain events, the highway department has been very busy maintaining the infrastructure and performing needed repairs. Some of the accumulated overtime was for highway to repair storm related wash-outs in preparation for successive storms, so that infrastructure would not suffer more damage.

Winter season is fast approaching and I would like the Select Board to be aware of the need for overtime on behalf of the Highway Department. Storms do not always occur during the hours of 7:00 a.m. and 3:00 p.m., roads need to be addressed before school busses run their routes and police dispatch pages/calls need to be answered. Any overnight snow event requires highway to begin addressing roads by 4:00 a.m. so that the travelling public, specifically the RNESU busses, can safely navigate the roads.

Although winter snowfall rates and icy precipitation events are hard to predict, the inherent need for overtime is a given. Unless the Select Board directs me to terminate any winter operations currently in place or to reduce the hours of winter operations, the Select Board should anticipate the overtime line item being over-run.

Thank you for your consideration with this matter.”

Maria Ammatuna stated during the budget discussion there was going to be a dialogue with the school district that the roads may not be ready by the start of school when there are snowstorms. Ms. Ammatuna suggested figuring out what the financial impact would be in not starting the road work at 4:00AM and considering a temporary worker versus overtime in the absence of the person who is currently out. It was noted the employee is scheduled to return to work on Thursday and Mr. Sanderson anticipates being back to full staff. Robin Bennett stated it is not a matter of what time the road crew starts. Mr. Fuller stated there is a budget developed and it will need to be determined where services can be cut. A legitimate place to cut back would be

the sidewalk clearing, which could be discussed with the downtown merchants. Bernie Carr stated the downtown businesses take care of their sidewalks and this would affect the other streets that are used by people who walk to town. Mr. Sanderson has developed guidelines for the staff and he is doing what he can to eliminate the overtime. He cannot determine what the overage might be, as it is determined by the weather.

b) Newton Road Rock Pile:

At the last Select Board meeting there had been a question of the town keeping the stone. Mr. Sanderson stated there is significant cost if the town were to keep the stone. There were bids to have the material removed, crushed and placed. To have the material removed and placed somewhere else in town would be about \$31,000.00. To crush it and place it somewhere else would have been \$77,000.00 and to crush, place and have the contractor put it on the roads would have been around \$98,000.00. When the decision was made, the town was not able to fund this type of project and was looking for someone to pay to take the material away. Under direction of the previous board, Mr. Sanderson obtained bids and received 50 cents per cubic yard for the material. Upon speaking with the contractor who will purchase the material, there is repair on Maple Street that they will be doing and there was discussion of who will absorb the cost of this repair. The previous town manager had agreed to share the cost with the contractor. Mr. Sanderson recommended the town consider an exchange of the rock pile on Newton Road in return for the work done on Maple Street with the contractor. The material would be around \$3076.00, which would be approximately the cost to repair Maple street. Dave Atherton expressed concern that the town should not be paying for the repair that the contractor did not do right the first time. Blaine Cliver asked the town manager to put together a history sheet that has the figures and options for voting at the next meeting. Mr. Fuller stated it was his understanding that the town and the contractor would split the cost of the repair and asked the town manager to discuss this issue with the contractor. The Maple Street repair will not start until next year as there is only about two weeks left for paving this year.

7. V-DAT Schedule

Robin Bennett provided a schedule for the VDAT meetings November 4th through November 6th. They would like the Select Board to meet with the team on Monday, November 4th @ 9:00AM. The Board may also want to attend the presentation on November 6th, but are welcome to attend any of the meetings. The stakeholders would be anyone who has an interest in seeing a viable downtown, specifically town government, property owners, the local schools, employers and downtown businesses. Steve Beck has been calling various people about the meetings. There will also be opportunities to speak one-on-one with the team. The project comes out of the Agency of Commerce and Community Development and is in response to the spring flooding of 2011 and tropical storm Irene. The downtown program secured a grant of \$400,000.00 and a wider approach to determine what each town wants to do with the grant money is being done. It is the intent to get the entire community involved and there will be specific targeted ideas.

8. Light the Falls

Robin Bennett requested this item be tabled to a subsequent meeting as she has not received the proposal.

19. November 11, 2013 Select Board Meeting

Robin Bennett stated the next regular Select Board meeting falls on Veteran's Day and proposed a change to Wednesday, November 13th at 7:00PM.

Motion by Maria Ammatuna/Blaine Cliver to move the next regular Select Board meeting from November 11th to November 13th due to the holiday. **The motion passed unanimously – 4 to zero.**

10. Town Office Project

Devon Fuller stated last week there was a meeting with McKernon Group to discuss the amount of money available from the insurance for the town hall project. McKernon Group has determined they will be unable to do the project for the price reviewed and have retracted their bid. At this point, the project is back to square one. All payments from the insurance company have been determined. Robin Bennett has not received any further information from VLCT. The town currently has funding for about half of what the initial McKernon Group bid was. Mr. Fuller stated the town could take the money available, and with the help of volunteers, get back into the town office the way it is. Another option would be to move the town offices out of the building permanently to a different location. This would mean leasing or renting another building until town meeting. Option three would be to lease a building as soon as possible and going to the voters with a cost estimate and bond for renovating the downtown office. The current building has had maintenance deferred for decades and has a lot of problems. Mr. Fuller thanked the McKernon Group for the work they did on this process and for the work the volunteers have put into this process in doing the initial engineering and the clean out of the offices. The Select Board needs to make a decision on how to move forward with this item, as the Fire Department would like the town offices out of their building by the first of the year. Initially, it was thought there would be more money available from the insurance. When meeting with the adjustor, he was surprised there was not a lot of damage done to the building. The town will get approximately \$160,000.00 and may have to pay back some of the \$195,000.00 that has been received. With regard to the \$100,000.00 content coverage, it was determined the town does not have a damage claim on content. Ms. Bennett stated there is a minor content claim of around \$5,000.00 to \$6,000.00. Mr. Fuller apologized to the Fire Department for the delay in moving the town offices and noted there needs to be a place found to relocate the offices. Mr. Fuller stated the options are to take the money available and "Band-Aid" the issues and move back into the current office building in an as-is condition; or sign a short-term lease with intent to go to the voters with a bond for either re-occupancy of the town office or another location; or consider a long-term permanent relocation with a lease and an option to buy. Ms. Bennett will obtain a qualified opinion on how the insurance money can be used. Ethan Swift stated the estimated date will be either February or March to hear back regarding the overflow structure. If the town was to relocate the town offices and they do not get the funding through FEMA for the overflow structure and it becomes cost prohibitive, consideration should be made in removing the town

office building in the reconstruction of Bridge 114. In considering the office move, there will need to be a vault. It was suggested the offices should move into the town hall space.

Motion by Blaine Cliver/Dave Atherton to authorize the town manager to research an alternative town office space prior to the end of December, to include rentals or the use of the town hall.

Dave Atherton stated the town owns this building and would not have to pay rent for the space. Kathy Rausenberger stated there is the issue of how the Friends of the Town Hall would handle the commitments already made for the space. Wayne Rausenberger suggested the furniture building near Naylor/Breen that is already set up for computers and phones, and has heat, which would allow the town to move from the Fire Department building. Mr. Beck has an extensive listing of spaces available. Eric Mallory asked if the town has funds to compensate the Fire Department for items such as the electricity and fuel costs that the Fire District has been paying. Nancy Leary stated the town hall is space that the town owns and a move to that space would work with the town's schedule. Ms. Leary asked, in considering the tearing down of the town office building, if there would be funding of a second egress, as this is a co-shared space and it would not be fire safe. Tina Wiles stated this was included in the grant application. Ms. Leary questioned what the reconstruction costs would have been if the walls, electricity and plumbing had not been torn out and should the person who authorized this be held responsible. Jim Leary asked whether the town would have had other options in February 2012 that it does not have now, as he had come to the Select Board and asked who authorized the demolition work. Maria Ammatuna stated the original town manager had indicated it was a good time to update the building and there are no Select Board motions. She had located a purchase order the town manager had signed authorizing the demolition. Devon Fuller stated the demolition of the town office was a mistake and the new board and town manager are going to take care of the mistake. It is not known how to hold the prior town manager accountable and he appreciates Mr. Leary's thoughts. Mr. Fuller stated the Select Board needs to determine how to move forward, as the Fire Department has been inconvenienced too long.

Mr. Cliver also added a friendly amendment to include that the lease be for a year. **The motion passed unanimously – 4 to zero.**

Ethan Swift stated the location will have to be ADA compliant, in addition to having the vault. Peter Smith asked where the money for the lease will come from and Mr. Fuller stated it will come out of the insurance money.

11. Waterline/Segment 6/Bridge 114 Projects

Robin Bennett stated the waterline project is still in a holding pattern with the right of way at the state level. The town is waiting for feedback to execute a revised right of way with one of the property owner's. The Segment 6 project has not changed. With regard to Bridge 114, she has a document that has been submitted to the Select Board from Mr. Cliver that provides the history and importance of the bridge. Once the bridge is rebuilt, it will have to follow the current traffic safety requirements. Maria Ammatuna suggested adding as a consideration the removal of the concrete pad due to the restriction it causes. Mr. Cliver noted this would be an additional expense. Wayne Rausenberger questioned whether there is a recommendation for the design

committee to meet with the VTrans Historic group, VHB and the town manager. The money is to rehabilitate the bridge, but it does not mean it can't be rehabilitated back to its original state. Maria Ammatuna stated it will be the decision of VTrans which option they will fund and it is hoped that the design committee could come up with a presentation of what the town would prefer. Ethan Swift stated John Byatt indicated CLD did not do a full assessment of the slab, which would require an additional assessment. Mr. Cliver stated the slab does not go all the way across the arch and would have to be widened, but an assessment would need to be done. There was also discussion of doing the concrete infusion from the top. Mr. Byatt had advised that more engineering analysis will need to be done as far as the structural integrity. Devon Fuller asked if the Select Board would like to submit Mr. Cliver's document to VHB. Ms. Ammatuna would like to add the removal of the slab to the document. Blaine Cliver stated this would cost a lot more and add other issues in putting back the walls around that space. The open area came around in front of the town office facade and goes into the space that is now a sidewalk. If the slab is removed, there would also be the issue of dealing with the sidewalk. The other consideration is that it is unknown what the conditions are underneath the slab.

Motion by Maria Ammatuna/Dave Atherton to authorize the design committee of the DBA, working as an adhoc committee on behalf of the Select Board, to take the Brandon Historic Bridge 114 Option for Rehabilitation report, dated October 28, 2013, to the VTrans Historic Committee for the purpose of determining funding for either the historic bridge of 1921 or the historic bridge of 1867. **The motion passed unanimously – 4 to zero.**

12. Town Manager's Report

A written report was submitted to the Select Board.

13. Other Business

Robin Bennett reported the town is exploring a couple of different options for an Animal Control contract. Ms. Bennett has not received a response from Attorney Carroll regarding the conflict of interest opinion. Barlow Avenue is scheduled to be paved tomorrow.

Maria Ammatuna stated the voter checklist needs to be cleaned up and a voter registration drive should be done by the Board of Civil Authority.

14. Fiscal

a) Warrant – October 28, 2013 - \$54,631.08

Motion by Maria Ammatuna/Blaine Cliver to approve the warrant of October 28, 2013 for an amount not to exceed \$54,631.08.

Ethan Swift questioned the coding for the Recreation Department activity, as it does not appear that events promoted through that department are being coded as such. Robin Bennett will confirm that the coding is correct for the Recreation Department payables and receivables. Maria Ammatuna requested Ms. Bennett provide a department listing and a general listing of accounts.

Ms. Ammatuna questioned whether the August and September billings for The Brandon Reporter are a split between Recreation and Recruitment and she would like to learn what the Highway Department is doing with regard to Comcast. Robin Bennett will verify. With regard to Glenna Pound's contract, the warrant this evening is for a portion of the contract, with about \$1,200.00 to \$1,500.00 remaining. Ms. Pound should be done in the next couple of days. Ms. Ammatuna questioned the Police Department warrants and Ms. Bennett stated this may be part of the grant and there may be several cruisers involved. Ms. Ammatuna also questioned the status of the gasoline purchase order for the Police Department. This item will be discussed at the next meeting. Ethan Swift stated there was discussion that the Police Department's fuel charge is a running tab of purchases and is more of a bulk price purchase. Ms. Ammatuna requested clarification of the county tax, as she was not aware that the town paid a county tax.

The motion passed unanimously – 4 to zero.

b) Warrant – November 15, 2013 (Vermont Bond Bank Loan Repayments) - \$240,289.04.

Motion by Maria Ammatuna/Blaine Cliver to approve the warrant of November 15, 2013 to the Vermont Bond Bank for loan repayments in the amount of \$240,289.04. **The motion passed unanimously – 4 to zero.**

Maria Ammatuna thanked Ms. Bennett for providing the additional information and requested information on where the town stands with debt service for the next Select Board meeting.

c) Accounting Contract

Robin Bennett received a revised contract with a not to exceed amount of \$22,000.00 from the audit firm for a single audit with completion by the end of the year.

Motion by Blaine Cliver/Maria Ammatuna to approve the accounting contract of Mudgett, Jennett & Krogh-Wisner for an amount not to exceed \$22,000.00. **The motion passed unanimously – 4 to zero.**

d) NEMRC Contract

Robin Bennett reported the proposal is the same as last year at a rate of \$825.00/month for 12 months.

Motion by Maria Ammatuna/Dave Atherton to approve the NEMRC contract at a rate of \$825.00/month for 12 months from July 2013 through June 2014. **The motion passed unanimously – 4 to zero.**

e) Equipment Financing

Robin Bennett requested this item be tabled to a subsequent meeting as she did not have the documentation for discussion. She noted that likely the best financing will be from the vendor for around 2%.

f. Approval of Warrant – October 28, 2013

Motion by Maria Ammatuna/Dave Atherton to approve the warrant of October 28, 2013 in the amount of \$3,461.25 for Glenna Pound for the week of September 23, 2013 to October 6, 2013. **The motion passed unanimously – 4 to zero.**

Motion by Blaine Cliver/Dave Atherton to enter into executive session at 9:20PM, with the session to include the town manager and Phil Woodard. **The motion passed unanimously – 4 to zero.**

17. Executive Session 1 V.S.A.313 (a) (1)

Motion by Ethan Swift/Maria Ammatuna to come out of executive session at 9:40PM. **The motion passed unanimously – 4 to zero.**

Motion by Ethan Swift/Maria Ammatuna to accept the recommendation of the Vermont League of Cities and Towns and consent to the proposed settlement of the Torres vs. Town of Brandon settlement. **The motion passed unanimously 5 to zero.**

Motion by Ethan Swift/Maria Ammatuna to enter into executive session at 9:42PM, with the session to include the town manager. **The motion passed unanimously – 4 to zero.**

18. Executive Session 1 V.S.A.313 (a) (1)

Motion by Ethan Swift/Dave Atherton to come of executive session at 9:45PM. **The motion passed unanimously – 4 to zero.** There were no actions required.

20. Adjournment

Motion by Ethan Swift/Blaine Cliver to adjourn the Select Board meeting at 9:46PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary