

***Brandon Select Board Meeting***  
**September 30, 2013**

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

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

**Also in Attendance:** Robin Bennett, Wayne Rausenberger, Kathleen Rausenberger, Bernie Carr, Arlyn Bloodworth, Lee Kahrs, Jeff Stewart, Seth Hopkins, Kevin Thornton, Joe Ammatuna, Eric Mallory, Richard Baker, Anna Scheck, Janet Mondlak, Tracy Wyman, Dick Kirby, Phyllis Reed, Bob Read, Eric LaRock, Heather Shea, Bruce Edwards, Gary Meffe, Jaron Borg, Louis Phelps, Steve Beck, Patrick Foley, Robert McCullough, Tina Wiles, Jim Leary, Max Ferro, Tecari Shuman

**1. Call to order**

The meeting was called to order by Ethan Swift, Vice-Chair at 7:05PM.

**a) Agenda Adoption – Motion** by Maria Ammatuna/Dave Atherton to adopt the agenda as presented. **The motion passed unanimously – 3 to zero.**

**2. Consent Agenda**

**a) Approval of Minutes – September 9, 2013 - Select Board**

**Motion** by Dave Atherton/Maria Ammatuna to approve the minutes of the September 9, 2013 Select Board meeting as amended. **The motion passed unanimously – 3 to zero.**

Richard Baker stated the motion for the RLF for Foley Brothers was approved at \$36,816.61 at the last meeting and tonight there is an action to approve a warrant for \$36,816.61. It was noted that during the previous meeting, it was approved as a not to exceed amount and the funds were not distributed at that time. It was determined that the payment would be drawn down as it is needed. There is an invoice for \$2,318.61 in the warrants this evening for approval that would bring the total to the \$38,000.00 that was originally approved.

**3. Public Comments for Items not on the Agenda**

Bernie Carr stated there are a couple of logs in the river near the falls and asked if they should be removed. Ethan Swift stated the Department of Public Works had already removed some logs and it would be a good idea to clear the logs, pending the appropriate permission from River Management. Jaron Borg of River Management stated he will review the site and presuming it is less than 10 cubic feet, he does not see a problem. Mr. Sanderson will be asked to follow-up on this item.

Tracy Wyman questioned the award of the paving contract for Barlow Avenue to Wilks Paving. Robin Bennett stated it was felt that Wilks had a better understanding of the project for the road and it was Brian Sanderson's recommendation to award the contract to Wilks. Ethan Swift stated Mr. Sanderson indicated there was also a larger amount of tonnage that was going to be used to help with storm water control.

Richard Baker stated the minutes from the last 9 meetings are not available and he hopes the Board takes action to make the minutes available. He is also troubled about why an RFP was issued to the highest bidder for the Barlow Avenue paving contract when a bidder who was available to resurface Route 7 and Newton Road after tropical storm Irene was not considered. If a project goes out to bid, it needs to be awarded to the lowest qualified bidder. Maria Ammatuna stated if there is a substantial reason for awarding to the higher bidder, the statute does allow for approving the contractor. Blaine Cliver stated this was a special meeting called in order to vote on this project to enable the project to be done before winter and he felt uneasy with going with the higher bidder. Ethan Swift stated a certain amount was budgeted for the project and if there were additional elements in the project, they should have been addressed and incorporated in the initial RFP. If this was done in error, this process should be re-examined.

Wayne Rausenberger asked about itemized bills for ASR 7 and ASR 8. It was noted there are additional warrants that will be acted on for these projects; however, the report of all itemized bills was not available at this meeting.

Bernie Carr stated that Mr. Sanderson should contact the bidders regarding Barlow Avenue to explain the reason for choosing the contractor.

Eric Mallory knows there were problems passing the town budget and as a taxpayer, he wants to make sure the bid was "apples to apples" and if the town paid \$5,000.00 more, it is not good management of taxpayers' money. Ethan Swift agreed the Select Board needs to be mindful of the tax dollars spent.

Phyllis Reed agreed with the prior comments concerning the bid. Ms. Reed also questioned the town manager's salary and why the town paid an additional \$5,000.00 over what was budgeted. The budgeted salary was \$80,000.00 and the salary is now \$85,000.00. Ms. Reed also questioned the reason for changing the Citizen's Public Forum to the beginning of the meeting and hoped that the public will also be allowed to comment on other agenda items. Maria Ammatuna stated there were complaints about the Citizens' Public Comments being so late in the meeting. Ethan Swift stated it does not preclude people from speaking on other agenda items. Mr. Swift stated the Board feels strongly that they are investing in the town's future in having Ms. Bennett working with the town and the money is well spent because of Ms. Bennett's experience. By finding efficiencies in other areas and having a better built budget, it is thought the funds will be found. Maria Ammatuna noted the job posting through VLCT was advertised with a range of \$70,000.00 to \$90,000.00. There was a need to find a qualified person to have greater oversight, managerial skills and fiscal responsibility. The Board will be starting to build the next budget soon and there will be notification to the public as to when the discussions will be held. Richard Baker stated this underlines the significance of posting the previous select board meetings. He does not know if a motion was made to approve the contract and there needs to be

documentation substantiating these actions.

#### **4. Presentation: Professor McCullough**

Professor McCullough advised the Vermont Historic Bridge Program is a large effort to preserve the state's historic bridges. One subset is the Adaptive Use Program that allows bridges to become pedestrian and bike paths for those that are no longer viable for traffic. It is important to find new settings for the historic bridges that will visually become a part of the community. If Brandon has a site for one of the small bridges, dialog could begin on how to start this process. The prototype of the Adaptive Use Program is in Hinesburg. The program deals with metal truss bridges that were built during the late 19<sup>th</sup>/early 20<sup>th</sup> centuries and are the bridges that succeeded the covered bridges. Professor McCullough provided a presentation on how the historic bridges are restored, transported and completed at the sites chosen. Hemlock is used for the planking of the bridges, rather than pressure treated materials, due to the slipperiness of pressure-treated. A goal is to do the projects competitively and the total cost of the Hinesburg Bridge was \$32,000.00. The Hinesburg project was done by the AOT and the goal was to try to identify the true out-of-pocket expenses for a project like this. For some of the later projects, the AOT hired outside consultants and the costs increased. Other completed projects are in Barre, Barton, Jamaica and Arlington. Special railings are also designed to meet current codes and provide safer transitions.

The East Bethel Bridge is an 1892 bridge and is currently in storage in Clarendon, Vermont. It is the goal to find a place that is visible where it can be used every day. The bridge does not need a wide stream or open space to span this bridge. The next step is to determine if the Select Board is interested in pursuing this type of historic structure. Professor McCullough stated the goal is to design it to the original carrying capacity of 18,000 pounds and the intent is to use it as a pedestrian bridge. Bernie Carr stated there has been discussion of possible parking on the other side of the river in town. Wayne Rausenberger asked what kind of funding is available. Professor McCullough stated when the Historic Bridge Program was developed, the AOT had been funding it through enhancement programs, however, there has not been as much funding available in recent years. He would like AOT to develop a funding mechanism to do in-house work and provide state funding. In order to secure funding, it would be important to have a site and develop a scope of work. It is Professor McCullough's goal for AOT to fund at least the projects to do the two bridges that are currently in storage. If a good site can be demonstrated, the historical value of the bridge will be warranted. Max Ferro stated on behalf of the design committee, they are looking for possible locations for this type of bridge that involves private land. The idea would be to negotiate with the property owners who would benefit from this type of bridge. Dick Kirby asked if one of these bridges would work to replace the Churchill House Bridge. Ethan Swift stated it is the intent to have a bridge that is passable by vehicles in order to have a parking lot on the other side of that bridge and to allow for emergency vehicles. The current bridge has been replanked to be used by pedestrians and bikes. Max Ferro stated there are several sites the design committee has in mind, but they are at the beginning of the process. Their idea is to bring the public in greater contact with the river and in order to be successful, it would require some bridges and this seems to be a wonderful way to acquire bridges. Kevin Thornton stated the caps for this bridge are quite ornamental and this bridge would be particularly beautiful. Wayne Rausenberger asked what the process would be in obtaining this bridge.

Professor McCullough stated there would be a meeting at the site with structural engineers to determine the feasibility. If the site works, it would be a matter of developing a scope of work. Max Ferro stated the design committee knows there is a proposal to seek funding to bypass the central area of town to take water from the upper falls and bring it down to the Neshobe River. If this happens, it would actually make the water level in the Neshobe River between the intake and the outflow of the culvert constant. Once this loop is bypassed, the level of the Neshobe River becomes constant and it would no longer be part of the flood plain and the town could start thinking about improvements without the worry of it flooding. The design committee's purpose is to come up with ideas. Steve Beck asked if the mission is to put bridges within the context of an overall project or over an area that a project could be developed over time. Professor McCullough stated the goal is to sell the idea that historic landmarks are worth preserving. At the minimum, there needs to be some open space beneath the bridge for the visual proportions to work and to appear it is functioning as a bridge. It is important to have a path to and from the bridge to try to recreate the bridges original function, but it is not necessary to be part of an existing project. Ethan Swift thanked Professor McCullough for providing the presentation.

## **5. Planning Commission Appointment: Tracy Wyman**

The Select Board received a letter of endorsement by the Chair of the Planning Commission supporting Mr. Wyman's appointment. Anne Bransfield and Linda Stewart were just appointed to 3-year terms that end in 2016; Marty Feldman's appointment ends in 2014 and Jeff Guevin's appointment ends in 2015. This appointment will be filling a vacancy and will be for a 3-year term.

**Motion** by Maria Ammatuna/Dave Atherton to appoint Tracy Wyman to the Brandon Planning Commission for a 3-year term ending June 30, 2016. **The motion passed unanimously – 3 to zero.**

## **6. Home Shop Sign Approval**

Ethan Swift stated this is a retroactive approval. Tina Wiles stated the discussion during a recent approval of a projecting sign indicated when processing the application for the Home Shop, the approval of the projection sign had not been done.

**Motion** by Maria Ammatuna/Blaine Cliver to grant the Home Shop approval for application #5530 for a projecting sign permit. **The motion passed unanimously – 3 to zero.**

Ethan Swift asked if the application is in compliance with the Sign and Merchandise Display ordinance and Ms. Wiles confirmed the sign is in compliance.

## **7. Sidewalk Sign & Merchandise Display Ordinance**

Ethan Swift stated there was discussion about this ordinance in the recent past. He noted at a prior Select Board meeting there had been several comments about the Sign ordinance. He asked if the Planning Commission has held any meetings with the business owners to hear their concerns. Bernie Carr stated there needs to be some tweaking and there has been a request that

the Planning Commission meet with the area businesses to discuss the suggested changes. Tina Wiles asked if the discussion is to include Section 407 of the BLUO and the Sign ordinance. It was confirmed the discussion should include both sections.

**Motion** by Blaine Cliver/Maria Ammatuna to continue the tabling of the motion until the Planning Commission meets with the merchants to resolve any questions. **The motion passed unanimously – 3 to zero.**

## **8. Town Office Project**

Robin Bennett stated there has been activity at the office and she has met with the insurance adjuster and the final numbers should be received within the week. There was also a meeting with the representative from the insurance company regarding the damage to the roof, which will be patched tomorrow. She has met with a group of volunteers to discuss the needs, as well as what the volunteers can and cannot do. The town office has been cleared and everything has been removed and the work will begin once they receive the go ahead. The insurance claims need to be settled prior to repairs beginning. Blaine Cliver stated a lot of the work has been done by volunteers and greatest amount has been done by Mr. Rausenberger. He wished to thank Mr. Rausenberger on behalf of the Board. Mr. Swift also wished to thank Ms. Bennett for the expedited work on the leaky fuel tank and it is good to see that resolved in quick fashion.

## **9. Segment 6 Project**

Robin Bennett reported she met with VHB on Friday to bring her up to speed with the overall project that included the waterline, Segment 6 and Bridge 114. The waterline is in the state's hands and everything is in as far as the right of way. The RFP for construction will be out as soon as possible. The project is doable and it should proceed within the month. They are getting ready to negotiate the right of ways for the Segment 6 project (approximately 150). VHB would like to meet with the Select Board to do a workshop, with the public also invited, to discuss how to proceed. Ethan Swift stated CLD had responded to the request for information for the estimate on the redesign of the Union/Carver Street intersection with a dollar figure and the projected delay in the project. Ms. Bennett would like to discuss the cost and delay and have a decision to move forward. It would be a year delay and a significant increase and would be a cost absorbed by the town. She stated this would be going backwards and would be a substantial delay. Maria Ammatuna stated VHB provided a summary that indicated it would be a year delay and \$135,000.00 of design monies required for reconfiguration analysis, with \$80,000.00 relating to the intersection of Union and Carver streets. Ms. Ammatuna agrees with Ms. Bennett and does not feel that a one year delay can happen. Ethan Swift stated the Select Board should make a determination soon. Ms. Bennett stated VHB's preference is to move forward and it is their desire to have a meeting as soon as possible in order to make a determination. It was the consensus of the board to hold a special meeting with VHB to discuss this item. Mr. Swift would like to revisit some of the recommendations brought forth by the design committee and he would like to revisit why some people had felt strongly this intersection needed to be reconfigured to understand what the rationale was. It was suggested the design committee be invited to the meeting. Wayne Rausenberger asked if the meeting with VHB will have discussion about Bridge 114. Robin Bennett stated information concerning the bridge aspect of the project will be

brought up at the next Select Board meeting to obtain guidance from the Select Board. The board decided to proceed with the renovation option. Bernie Carr suggested the area businesses be advised of when the meeting is scheduled.

#### **10. Town Office Oil Tank**

Robin Bennett reported there had been some misunderstanding about some of the facts surrounding the town office oil tank. Two weeks ago tomorrow, there was a potential problem discovered concerning the town office oil tank. After her conversation with Devon Fuller, she notified the state about the potential problem and the state provided information on how to proceed. ENPRO visited and it was agreed there was a reason for concern. They began the process of removing the oil tank and it was found that there was a hole in it and there was significant contamination. There was also a damaged storm water drain discovered, which has been replaced according to standards. The town is responsible for the removal of the tank and the oil. The Petroleum Clean-up Fund will assist in funding. The town is in the process of sending the insurance company a packet of expenses for the clean-up portion. A new oil tank will need to be purchased. Ethan Swift asked if there are other options for the location of the tank that could be pursued. Robin Bennett stated there is an option to place the tank in a room in the back of the building. Richard Baker stated there was a proposal in place to put the oil tank in the room that Ms. Bennett had described.

#### **11. FOTH 1999 Invoices**

Robin Bennett stated this item came up at the last meeting and she feels comfortable that due diligence has been done in trying to find these invoices. They may have been displaced over the years and Ms. Bennett questioned how the Board wished to proceed. Maria Ammatuna stated there are four particular invoices relating to a failed hot water heater, a fuel tank, the ceiling in the lobby and the installation of baseboard heat to the Recreation Director's office. Ms. Ammatuna recommended the Select Board not continue to bill the FOTH for these invoices totaling around \$11,000.00, as this is a town building and they did not relate to the original restoration project. There are several boxes in the Mobil Station, but the labeling is not correct on the boxes. The MOA states the town should be responsible for the water tank, fuel tank and heat in the lobby as it does not have anything to do with historic preservation. Richard Baker noted the invoices relate to expenditures that took place in 2012. Dave Atherton asked what invoices from 14 years ago have to do with the 2012 invoices. In 1998, money was collected for renovating the town hall. In 2012, the FOTH overspent on renovations and there is an effort to try to reconcile the accounting of the funds. The FOTH will continue to look for the 1999 invoices and will come back to the Select Board. Robin Bennett stated realistically neither she nor the staff will have the time available to do this project within the next couple of weeks. She stated that purging will need to be done. Maria Ammatuna suggested providing retention recommendations to enable Ms. Rausenberger and her to search for the documents within the next two weeks. Tina Wiles stated each department was asked to go through and tag boxes after Irene and it should be staff that assists in this effort. Richard Baker stated there was also a grant that may have been received and there is no record of this item.

#### **12. Select Board Institute**

Ethan Swift reported the annual VLCT workshop to provide select board members more education regarding roles and responsibilities will be held October 19<sup>th</sup> in Killington. Board members were encouraged to contact Robin Bennett if interested in registering for this conference.

### **13. Purchasing Policy**

Robin Bennett has reviewed the Purchasing policy (last revised in 1999) and noted it needs revamping to make things more efficient and easier. She will work on a revision and will bring her recommendations to the Board at a subsequent meeting.

### **14. Town Manager's Report**

Robin Bennett stated she has been meeting many people in the town and has been invited to the Brandon Chamber and Brandon Alliance meetings. She met with the insurance adjustors for the flood and roof damage, and the representative from FEMA regarding other open claims. She has attended two "Meet & Greets" and two more are scheduled. She has also met with VHB. The Foley Brother's documents have been executed. The winter sand has been delivered and the highway staff attended a winter maintenance training class, with VTrans using Brandon's Winter Road policy as an example. There has been work done on ditching. Work has been done on the pump stations and the wastewater plant had a chlorine violation that has been repaired and levels are back to normal. The Recreation Department has received a donation from Omya. The New York City Rockettes trip has been sold out.

### **15. Other Business**

Dave Atherton questioned the status of the rock pile on Newton Road. Robin Bennett will follow-up on this issue.

Maria Ammatuna reported as the representative to the Hawk Hill Committee, there are two sets of documents associated with the conservation management. Old Brandon Road is either a Class 3 or Class 4 road; however, it was thought that it was a Class 4 road. There is an issue with driving this road and it is having a significant impact on public access. Ms. Ammatuna stated as the liaison to the FOTH, she will be meeting with the current President, Dennis Marden, on Wednesday to discuss processes in order to avoid after-the-fact purchases and to revamp the budget. Ethan Swift stated with regard to the road to Hawk Hill, there had been discussion of the merits of leaving it in the current condition rather than trying to improve it, which would bring more traffic rather than encouraging more walking or bike riding. There has been discussion of drainage and erosion in improving the road.

Ethan Swift questioned the status of the Forest Service grant application for the Churchill Road Bridge. Richard Baker stated it was submitted electronically on August 16<sup>th</sup>, which was the deadline. Ms. Bennett may want to contact them, as Mr. Baker's email address is no longer good and the Forest Service would receive a bounce back on emails sent to him. Mr. Baker thought that the town should have heard something by now. Ethan Swift questioned the status of the

FEMA applications recently submitted. Tina Wiles stated all three applications were approved by the state about a month ago and the town should hear from FEMA in November. The applications were for the Fjeld property, town office and the overflow culvert. The criteria have also been approved by the state for the demolition of the 114 Wheeler Road property. The invitation for bids are ready to go once it is determined if there are any asbestos issues.

## **16. Fiscal**

### ***a) Warrant – September 18, 2013 - \$2,000.00 - Postage***

**Motion** by Maria Ammatuna/Blaine Cliver to approve the warrant of September 18, 2013 for an amount not to exceed \$2,000.00. **The motion passed unanimously – 3 to zero.**

### ***b. Warrant – September 20, 2013 – \$36,816.61 - RFL Loan***

**Motion** by Maria Ammatuna/Dave Atherton to approve the warrant of September 20, 2013 for an amount not to exceed \$36,816.61 for purposes of discussion. **The motion passed unanimously – 3 to zero.**

Maria Ammatuna requested clarification of the warrant. Patrick Foley advised the equipment was \$34,498.00 and the contractor's charge was \$2,318.61. The RLF application had the Winery listed; however, Mr. Foley stated as a matter of clarification, the funds are to be used for the beer production. The remainder of the loan up to the \$38,000.00 would be for material purchased at Brandon Lumber. A check was made out to the equipment company and if something should happen, the equipment would be the collateral. Richard Baker stated at the September 9<sup>th</sup> meeting, it was indicated the revolving loan fund would be the \$36,816.61. Ethan Swift stated the end result is that the total of the loan will be \$38,000.00, which was the original amount requested.

### ***c. Warrant – September 30, 2013 - \$211,256.84***

**Motion** by Maria Ammatuna/Blaine Cliver to approve the warrant of September 30, 2013 for an amount not to exceed \$211,256.84.

Maria Ammatuna requested separate spreadsheets at the next Board meeting for the CLD engineering costs for Bridge 114, ASR 7 and ASR 8. In this evening's warrants, the town's attorney was paid for the matters concerning the former town manager. For the next Board meeting, a request was made to confirm whether there was a resolution. With regard to the Radio City bus trip, it was questioned whether the revenues are accounted for. Anna Scheck confirmed the revenues are noted under the General Fund, noting all Recreation activities are handled through the General Fund. Maria Ammatuna advised the Recreation's Summer program is in the black. Richard Baker noted there are two bills from Glenna Pound, however, Ms. Pound's contract has not been approved and this is a violation.

**Amended motion** by Maria Ammatuna/Blaine Cliver to approve the warrants less check #37639 (\$2,648.75). **The motion passed unanimously – 3 to zero.**

**Motion** by Maria Ammatuna/Blaine Cliver to recess as the Select Board meeting to reconvene as the Board of Sewer Commissioners at 9:24PM. **The motion passed unanimously – 3 to zero.**

The Select Board meeting reconvened at 9:32PM.

**Motion** by Blaine Cliver/Dave Atherton to enter into executive session at 9:33PM for the purpose of discussing personnel and a legal issue, with the session to include the town manager. **The motion passed unanimously – 3 to zero.**

#### **17. Possible Executive Session**

The board came out of executive session at 10:25PM. There were no actions required.

#### **18. Adjournment**

**Motion** by Blaine Cliver/Dave Atherton to adjourn the Select Board meeting at 10:26PM. **The motion passed unanimously - 3 to zero.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary