

Brandon Select Board Meeting July 10, 2017

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

Board Members In Attendance: Seth Hopkins, Doug Bailey, Brian Coolidge, Tracy Wyman

Others In Attendance: Dave Atherton, Bernie Carr, Richard Baker, Jeff Stewart, Mike Frankiewicz, Charlotte Frankiewicz, Dick Kirby, Ray Jobst, Anna Scheck, Sue Gage, Janet Coolidge, Brenda Fizur, Alden Hopperstad, Cathy Hopperstad, Mike Lee, Stacy Lee, Frank James, Lyle Jepson, Mary Cohen, Mike Harrison, Melissa Harrison, Chris Brickell, Bill Moore, Steve Bisette, Darlene Griffin, Jeffrey Griffin

1. Call to order

The meeting was called to order by Seth Hopkins – Chair at 7:00PM.

a) Agenda Adoption – Motion by Tracy Wyman/Doug Bailey to adopt the agenda as amended. **The motion passed unanimously.**

Add Item 1b – REDC Presentation regarding Regional Marketing Initiative

Add Executive Session Pursuant to 1V.S.A. 313(a)(3) – The Appointment or Employment or Evaluation of a Public Officer or Employee

Move Newton Road Update to follow REDC Presentation

b. REDC Presentation on Regional Marketing Initiative

Mary Cohen, Executive Director of the Rutland Region Chamber of Commerce and Lyle Jepson of Rutland Economic Development Corp. (REDC) provided a presentation on a strategic plan to reverse the population trend in the area (See Attachment 1). From a study that had been done, it was noted the county faces a serious population decline with Brandon's population potentially decreasing 13% by the year 2030. The senior population is growing, but the region is not filling the other end and there is a need to attract younger people to the region. Implications of decreased population include property values, tax base, local retailers, restaurants and employers. REDC is developing a three-part plan that focuses on quality of life, workforce and tourism to reverse the trend. Lyle Jepson stated there are 80 jobs open in Rutland County that pay \$43,000.00 or more, as well as many more jobs. Castleton University, REDC and the Rutland Chamber have come together to develop this program to bring more workers to the area. With regard to tourism, Mr. Jepson noted it is important to tie into things that are going on in the county with the Killington Valley brand, as many areas outside of the state that are familiar with the Killington name. It was noted that Killington Resort wants to become a four-season resort

and has put a large amount of money into their trail system. Mr. Jepson stated Bill Moore has been very active with the initiative. Ms. Cohen advised that \$200,000.00 has been raised for this initiative from local businesses, with Rutland City providing \$100,000.00. A marketing firm has been hired to develop a program to highlight professional jobs and assets. An outreach campaign geared towards college graduates who have left the area will be done. The Rutland Chamber and REDC have joined forces and a Steering Committee has been developed. This will be a 10-year project and they would like other communities to be involved. There has been support received from some towns already that include West Rutland, Fair Haven, and this proposal was also on the ballot in five towns. Mr. Jepson suggested funding the program at \$1.00/per person, however, more importantly the program needs people to assist in this effort. Mr. Jepson noted Brandon is part of the bigger picture and they would like Brandon to be involved. Bill Moore sees good opportunity for Brandon with this project and though his Economic Development budget is not large; to be able to pool resources and combine with Killington Valley and Killington's' brand name is good. The Town needs people to move here and this will be a good way to attract people. Ray Jobst asked what level of development they are looking for and what are they doing to change the structure. He also questioned whether people who are donating will be able to see the financials. Ms. Cohen advised that during the first quarter of the program, the marketing group talked to many people and have done much research, after which a strategy and marketing plan was developed. The marketing group hired received \$90,000.00 of the funds and the remainder will be going to ad placements. The target groups will be school age and college students, early professionals and seasoned professionals. Mr. Jepson noted there are two subcommittees and one of the committees is working with high school students, as some students do not go on to college and it is important for them to know the opportunities available. Mr. Jobst asked how much permit work is required. Mr. Jepson advised there is a commission that is studying Act 250, as there is a need to grow business while protecting Vermont. This Plan is doing things all at the same time to attract people and increase the tax base. Mr. Jobst asked if there is going to be a concerted effort to change Act 250 and Mr. Jepson noted the Governor is forward thinking for business and it is hoped he will push that agenda.

2. Newton Road Update

Dave Atherton reported Markowski started working on the road and it is hoped to have it completed within the next 2 weeks for paving. There will be 18-inch culverts installed to replace the 10-inch culverts in the driveways to allow for faster drainage. A permit was received to work in the river from the East to North Street to clean out debris. The lot the Town owns will be a storage area for silt for storm events. Seth Hopkins stated this is a short-term plan with more capacity in the culverts and the ditches. The State's River people have been in the area every day and FEMA will begin visits on Wednesday, Thursday and Friday. The State realizes there is a problem with a lot of sediment upstream building up on the banks. Mr. Atherton stated it is a flood plain and it is not sure what is going to happen with the river when it floods. The Town is taking advice from the State and have to do what the State directs. Mike Frankiewicz questioned whether the road could be lowered with no culverts to allow the road to be the overflow, similar to what it was years ago. He noted he has over 100 yards of gravel in his back yard. Mr. Atherton stated this had been suggested to the State, but they do not like water to run down roadways. Mr. Atherton stated at this point, it is unsure how the repairs will be done. Tracy Wyman stated for

many years people drove up into the driveways and Newton Road was lower and that would allow the water to flow down the road and disperse into the meadows and then the road was raised in the early 2000's. Mike Harrison stated he has lost his cellar again and it had never come from the front before. It was noted it was worse this time with water waist-deep in the front yards. Mr. Harrison noted there is a berm on the other side of the river and no one has looked at that area. He stated the river should be cleaned out down to the Fizur property and noted there are three natural cuts on the Dilt's property. Mike Lee stated the river has nowhere to go and he had raw sewage running from the manhole to his property. Mr. Atherton stated Green Mountain Power had shut the power down and the backup generator did not come on, which created the sewage issue, however, there were no broken lines. Mr. Lee has asked the Town to bank the river, as the flood comes right to his house and the State has not opened up any of the waterways. Mr. Harrison stated Devon Fuller and Ethan Swift had opened up the area behind their houses during the last flooding that helped. Mr. Harrison asked if the Town will assist in getting something done with the river. Frank James stated someone could lose their life with another flood. Bernie Carr noted the State owns the river and they need a plan to clean out of the river on a regular basis to keep the river open and flowing. Doug Bailey stated the Town was responsive and did everything they could to be sure that people were safe, but there has to be a long-term solution found. Mr. Hopkins asked if the stream people can come to a meeting to discuss this item with the people involved to hear what the conditions are. Mr. Atherton stated when FEMA did the buyout, the Town tried to put a berm in closer to the road, but the State did not approve it. The Town met with the State last week to show the reason for the flooding and Mr. Atherton thought it would be beneficial to have a public meeting to discuss this area with State officials. Mr. Lee agreed with Mr. Frankiewicz that the road should be brought down and curbed. It was noted that in the past, the river used to be dredged from one bridge past the second bridge where the problem areas were. Mr. Hopkins stated it is good to hear the experience of the alternations that were made; but River Management practices have changed. The State does not want to pen the river or armor the banks. Ray Jobst questioned why one would dam a known floodplain. He stated placing a bridge and culverts in is not the logical thing to do. Mr. Bailey asked if there was an offer from FEMA to buy out the properties. Stacy Lee advised there has been no offer of a buyout and there was a rumor that if an area floods in 10 years or less, it is more likely FEMA will buy an area out. What the residents need is support from the Town to come up with a maintenance plan for the river on a regular basis to allow the river to flow more freely. Bernie Carr stated the river cut an entirely new channel and he had heard that post-Irene repairs were done with too small Rip Rap that caused a redirection of the river. Tracy Wyman stated the big concern was what was east of Vermont Tubbs to the bridge because the State did not allow cleaning out the river and it left a lot of debris from the Tubbs building. Mr. Atherton stated an emergency permit was received to start picking up the debris after the flood. Mr. Carr stated the rocks that had reestablished the banks are now in the river. Mr. Atherton suggested having the State present to discuss this matter with the Select Board and the residents. Mr. Lee asked why the Town could not have an appointed position that residents could call. It was suggested residents can call the DPW Superintendent who could then contact the State. Mr. Atherton noted there is a lot of water that comes down from Goshen. Mr. Lee noted the State created a 90-degree turn in the river and it now causes debris to build up and eventually the bridge will be taken out. Mr. Atherton reiterated FEMA will be doing visits either Wednesday, Thursday or Friday. The State has applied for federal relief and it looks like Vermont will receive it, but site visits are

required. Mr. Atherton stated the first step is to have a meeting of everyone involved. Mr. Atherton noted putting \$500,000.00 into a road that may flood again is not fiscally responsible. Mr. Lee stated it would be cheaper to buy the last four or five houses on the road than it is to continue to fix this area. Stacy Lee noted when people have a mortgage; one cannot walk away from a house and create bad credit. She noted it is frustrating and the residents need support from the Town and the State. Mr. Bailey stated the Select Board will not abandon the people on this issue. Mr. Atherton stated the first thing is to get the temporary driveways done and he thinks that perhaps keeping it dirt until finding a solution might be a good option. Seth Hopkins stated there was no knowledge of whether there would be FEMA funding, but the Select Board has authorized the spending of funds to fix the road. Mr. Hopkins noted a lot has changed and the State has more respect for Brandon in being responsible and proactive and he did not think the requests will be ignored. Mr. Bailey asked if FEMA does anything in Goshen, as this is part of the problem. Mr. Atherton was unaware of what FEMA does in Goshen. Mr. Atherton requested all residents of Newton Road provide contact information. It was noted the residents were not advised of the school opening for shelter. Ray Jobst asked what happens to the income from the property taxes if FEMA buys out the properties and it was confirmed that the funds are lost. Mr. Jobst stated it behooves the Town to keep the residents in the area. Brenda Fizur noted having Markowski do the driveways right away was very important and a huge kudos to the Fire Department for their assistance. Mr. Atherton expressed the Town's gratitude to Mr. Burlett also. Richard Baker noted the road is 42 inches higher than it used to be and it used to be lower for the reason Mr. Frankiewicz had mentioned. Bill Moore stated there is an organization, Youth Works, that does various work in the Town and advised they will be here Wednesday and Thursday for the next four weeks and he can have them assist the residents of Newton Road with the cleanup.

3. Approval of Minutes

a) June 12, 2017 – Select Board Meeting Minutes

Motion by Brian Coolidge/Doug Bailey to approve the Select Board minutes of June 12, 2017 as amended. **The motion passed with one abstention – Tracy Wyman.**

In Item 4, Zoning Administrator Report, there was a need for clarification in the minutes. The Zoning Administrator provided a suggested replacement for Item 4 (See Attachment 2).

Motion by Doug Bailey/Brian Coolidge to replace Item 4 – Zoning Administrator's Report as presented by the Zoning Administrator. **The motion passed with one abstention – Tracy Wyman.**

b) June 26, 2017 – Select Board Meeting Minutes

Motion by Tracy Wyman/Brian Coolidge to approve the Select Board minutes of June 26, 2017. **The motion passed with one abstention – Doug Bailey.**

a) July 3, 2017 – Emergency Select Board Meeting Minutes

Motion by Brian Coolidge/Tracy Wyman to approve the Emergency Select Board minutes of July 3, 2017 as amended. **The motion passed with one abstention – Doug Bailey.**

Under Board Members in Attendance: Addition of Seth Hopkins name

Under Item 2, second motion, addition of the phrase, “subject to state approval of the work” at the end of the motion.

4. Town Manager’s Report

Dave Atherton reported the Town had a drone flight today to obtain video documentation of the project area for Segment 6. A work schedule was provided for the week of July 10th. The overflow culvert saved the downtown from flooding on July 1st. The Town has received the easements so that the right of way portion of the Churchill Road Bridge process can be closed out. Mr. Atherton received offers on a few of the tax sale properties the Town acquired on June 22nd. Two of the mobile homes will be removed and demolished by the end of July. The third mobile home has a tenant for which the Town will need to start the eviction process. The Town’s attorney is on vacation and when she is back, the Town Manager will move forward with this process. The Brandon Historic Preservation Commission received a letter of congratulations from the State of Vermont Division for Historic Preservation for maintaining the Town’s Certified Local Government status for 17 years. A Segment 6 Public meeting will be held on July 12th at 6:30PM in the Town Hall lower level. Bill Moore asked if the x’s in the road were for the drone and this was confirmed. Seth Hopkins advised that Bernie Carr is the Public Information Officer for the Segment 6 Project and noted it would be more efficient to funnel any questions people have through Mr. Carr. Doug Bailey stated it was great the culvert worked and noted it was nice to see The Reporter had indicated it was money well spent and paid for itself in one day. As a Board, Mr. Bailey thanked David Atherton, Daryl Burlett, Ethan Swift, Dubois and King, Markowski’s, and the Brandon taxpayers who voted the money to do this project. Dave Atherton stated this was Ethan Swift’s idea and he wished to thank Mr. Swift for making this a reality. Bernie Carr suggested Ethan Swift, Butch Shaw and Steve Carr also be advised of the issues with Newton Road, as FEMA needs to be aware that this is an area that needs to be fixed. Mr. Atherton applauded the efforts of the Select Board in their support for the residents of Newton Road.

5. Zoning Administrator’s Report

Anna Scheck reported there were eight permit applications submitted in June, with seven permits issued and one application requiring additional survey information. Ms. Scheck has completed review of the properties that have code violations relating to junk and reminder letters have been sent to the property owners on Newton Road requesting continued progress on the removal of additional junk items from the properties. She does not currently know the status of Newton Road after the flooding. The Planning Commission held a special meeting on June 19th for a training session with Barbara Noyes of the Rutland Regional Planning Commission (RRPC) that included information on planning basics and land use, plus information on the Act 174 Energy changes. The RRPC will assist the Planning Commission in amending the Town Plan for the Act

174 compliance. There was talk about the agricultural issues and what type of ordinance would work for Brandon. The Planning Commission also reviewed the sign ordinances from other towns and will be contacting the RRPC regarding a model ordinance for agricultural uses. A DRB hearing was held on May 31st regarding an appeal to the Zoning Administrator's decision to issue a permit for a storage structure located on Union Street. The DRB issued a decision on June 22nd upholding the Zoning Administrator's decision to issue a permit for the structure. The Town has collected \$9,875.00 in rental compliance fees for FY2016. Ms. Scheck is working with some landlords and hopes to bring those properties into compliance within the next few weeks and the remaining properties will receive a notice of violation that will be recorded in the land records. Ms. Scheck advised that she has received notice that the Gymkhana events will again be held at the McConnell Road location this year. Ms. Scheck has contacted the Department of Agriculture and confirmed the changes to regulated agricultural practices does not affect their review of this property, as the Agriculture Department does not deal with noise issues unless a condition were to be placed on the use as part of a permit that they would have issued. Ms. Scheck noted it matters if the horses used in the Gymkhana are housed at the location and noted they are used. Ms. Hathaway will be sticking with the plan from the last time that she met with the Select Board. Doug Bailey stated horses that are boarded on the property are not the only horses that are used in Gymkhana and it is not the noise of the horses, but the noise of the PA system that is the issue. Mr. Atherton stated there was a suggestion to lower the speakers and they did follow the suggestions of the Select Board. Mr. Atherton questioned if admission is charged for the event and it was noted that there is no charge to view the event, just for entering in the event.

6. Comments for Items Not on the Agenda

Doug Bailey noted his disappointment with the July 8th newspaper article about the Brandon fireworks and parade regarding the comments from Debbie Boyce about the parade being moved from the downtown area and that the Independence Day Committee had been ordered it be out of the downtown. Mr. Bailey noted it never came from the Select Board that the parade had to be out of town. Seth Hopkins stated the Select Board did not advise the Committee where the parade could be and only provided a proposed construction schedule. Chris Brickell stated he was at the Parade Committee meetings and there was a potential construction start date of June and the decision was made to hold it outside of town as a dry run, because it will have to be outside of town next year. Mr. Hopkins stated whether the Board agreed with it or not, the Select Board would not say that they made a bad decision. Dave Atherton stated there have been other organizations, such as the Farmer's Market, that use the park that had come to the Town last fall and there were alternate suggestions given. Dick Kirby stated it was a great parade and he gives a lot of credit to the members of the Committee.

Seth Hopkins requested the Town Manager provide a flow chart on the approval process for the Segment 6 invoices. The Select Board is not looking for a change in the system, just an explanation of what the system is. Mr. Hopkins also noted that he had been asked about an updated project tracker report. Mr. Atherton stated this is an in-house document and he will review and update the document with Mr. Burlett. Mr. Atherton stated the order that the Segment 6 invoices flow is Casella, the Engineers, Daryl Burlett, Jackie and the Town Manager.

Dave Atherton stated there was prior discussion concerning an analysis of the solar array billing. Mr. Atherton requested clarification on what type of information the Select Board is looking for. There was a suggestion that Jackie do an analysis of the savings the Town has realized in their electric billings since the installation of the solar program. Doug Bailey stated there is a sizeable item in the warrant and the Board would like to see what the savings are. Mr. Atherton stated the Town is allocated 15% of the total output of the array. Sue Gage volunteered to provide the Town Manager a monthly breakdown on this item. Mr. Atherton suggested future requests for information be in the form of a motion for better clarity.

Motion by Doug Bailey/Tracy Wyman to ask the Town Manager to provide a brief flow chart of the process for reviewing the Segment 6 bills for payment in advance of the Select Board meetings. **The motion failed.**

Doug Bailey stated the Select Board members are elected official whose responsibility is to look over the money and they cannot delegate that responsibility to someone else. They need to be assured that there is a process in place. Mr. Atherton stated the Town is on two-week pay period with the contractors and to be reimbursed from the State, invoices have to be submitted and this process is in place for a faster turnaround. Sue Gage stated this does not happen all the time and more often than not, it is not going to happen. Mr. Atherton suggested if the Select Board preferred, when there is an off week, there could be a Special Select Board meeting called to sign the Segment 6 warrants.

Steve Bissette advised he mowed the lower part of Barlow Avenue and another chunk of Barlow has been lost and this needs to be addressed. Dave Atherton will advise Mr. Burlett and it will be looked into tomorrow.

Ray Jobst asked for an update on the 1% sales tax. Dave Atherton reported the process is working well and another quarter just closed. The money is being held in the event there is a shortage on project matches. Sue Gage stated she has provided the Board some ballpark figures and is trying to close out the year for the auditors. Mr. Hopkins questioned if the audit went out to bid. Sue Gage stated the Town is in the third year of a three-year contract. Mr. Atherton advised that the Town saved about \$30,000.00 with this contract.

Bernie Carr stated the Great Brandon Auction will take place next Tuesday.

7. Consider Tax Rate for FY2017/2018

Information was provided to the Select Board on the proposed tax rate. Sue Gage stated there is a drop in the tax rate, but noted that when the school district consolidated there is a 6-cent credit received that will decrease next year. Mr. Hopkins thanked Ms. Gage for the information on the tax rate calculation. Mr. Hopkins noted the municipal rate is down over 1% and the education rate is down 2%, with the homestead tax nearly the same as it was two years ago.

Motion by Doug Bailey/Tracy Wyman to set the homestead tax rate at \$2.2979 per hundred and the nonresidential tax rate at \$2.4434 per hundred. **The motion passed unanimously.**

Mr. Bailey questioned if the tax bills would be sent out before the State does the prebate. Ms. Gage advised the State has indicated she will have the information by Friday, however, the bills have to go out by Friday and if the information is not received, corrected bills can be sent.

8. Fiscal

a) FY2016/2017 Warrant – July 10, 2017 - \$236,547.90

Motion by Tracy Wyman/Doug Bailey to approve the FY16/17 warrants of July 10, 2017 in the amount of \$236,547.90. **The motion passed unanimously.**

b) FY2017/2018 Warrant – July 10, 2017 - \$110,912.83

Motion by Doug Bailey/Brian Coolidge to approve the FY17/18 warrants of July 10, 2017 in the amount of \$110,912.83. **The motion passed unanimously.**

c. Route 7 Construction Warrant – July 10, 2017 - \$43,377.84

Motion by Brian Coolidge/Tracy Wyman to approve the Route 7 Construction warrant of July 10, 2017 in the amount of \$43,377.84. **The motion passed unanimously.**

Doug Bailey stated there were 22 items under the MasterCard billing and he would like to see a copy of the billing to see to whom the money is being paid.

Motion by Doug Bailey/Tracy Wyman to request that the MasterCard statement be attached to the warrant. **The motion passed – 3 to 1.**

The Board recessed at 9:28PM to convene as the Board of Sewer Commissioners.

The Board reconvened at 9:34PM.

Motion by Doug Bailey/Tracy Wyman to enter into executive session at 9:35PM pursuant to 1VSA 313(a)(3) regarding the appointment or employment or evaluation of a public officer or employee with the Town Manager in attendance. **The motion passed unanimously.**

9. Executive Session Pursuant to 1V.S.A. 313(a)(3) – The Appointment or Employment or Evaluation of a Public Officer or Employee

Motion by Brian Coolidge/Tracy Wyman to come out of Executive Session at 10:00PM. **The motion passed unanimously.**

There were no actions required.

10. Adjournment

Motion by Doug Bailey/Brian Coolidge to adjourn the Select Board meeting at 10:01PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary