

Brandon Select Board Meeting August 14, 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, Devon Fuller

Others In Attendance: Dave Atherton, Frank James, Mike Harrison, Arlen Bloodworth, Kathy Hopperstad, Steve Bissette, Dick Kirby, Jeffrey Griffin, Darleen Griffin, Wayne Rausenberger, Daryl Burlett, Ray Counter, Mike Lee, Brent Buehler, Bernie Carr, Ray Jobst, Oscar Gard, Jude Bunde

1. Call to order

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

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

Add Item 3(a) Consider Park Street Scope and Funding

Add Item 3(b) Consider Newton Road Reimbursement Request Form TA65

2. Approval of Minutes

a) July 24, 2017 – Select Board Meeting Minutes

Motion by Tracy Wyman/Doug Bailey to approve the Select Board minutes of July 24, 2017. **The motion passed unanimously.**

b) August 3, 2017 – Emergency Select Board Meeting Minutes

Motion by Devon Fuller/Brian Coolidge to approve the Emergency Select Board minutes of August 3, 2017 as amended. **The motion passed with two abstentions – Doug Bailey and Tracy Wyman.**

Under Item 2 – add Devon Fuller second to the motion.

3. Town Manager's Report

Dave Atherton reported work has started on the new drainage system on Rossiter Street in connection with Segment 6. Mr. Atherton provided a schedule from Casella Construction. A conference call was held with CLD and VTrans to discuss the final plans and schedule for fall

bidding and spring construction of Bridge 114. The Town received the Right-of-Way Certification from VTrans and the Federal Highway Administration is in the review process for the Churchill Road Bridge. The Town will prepare to go out to bid in the fall for spring construction. Work in the road is completed and repaved for the Champlain Street Pump Station. The generator switchover is planned for the week of the 21st. The pavers will be back to do work around driveways in the next couple of weeks. The Town has installed a drop inlet and drainpipe on Furnace Road to address the surface water issue. The Newton Road rebuild from the flood is completed. Paving has been completed on Champlain Street, Newton Road, North Street and Furnace Road. Roadside mowing also continues. Mr. Atherton read a letter from Youth Works that was received by Bill Moore. (See Attachment). Mr. Atherton noted Youth Works has been doing work in town for the last couple of years. This year they also assisted the residents of Newton Road.

Recreation Department happenings noted: The Rec Department is working with the Brandon Librarian, Molly Kennedy and the Brandon Area Toy Project to put on The Great American Solar Eclipse over Brandon on August 21st from Noon to 5PM. Fall Recreation sport registration is open for Pre-K to 6th grade Youth Soccer, 1st to 8th grade Football and 3rd to 6th grade Cross Country running. The Rec Department is in need of assistant coaches. Through a partnership between UVM, RNESU and members of the greater RNESU Community that includes the Rec Department, there will be two new programs at OVUHS that are designed and proven to prevent risky behavior while increasing positive skills that help youth and families become and remain successful. Thanks go out to the OVUHS coaches, varsity players and Brandon Rec Football Commissioner for running the pre-season football camp. The 1st summer of the Neshobe SOAR/Leicester Alive collaboration went well. The Rec Department is looking for volunteers for the Trails and Park Development Committees, as well as volunteers to help with planned programming such as Brandon Youth Theatre's fall performance, Brandon Audio-Visual Club and 4-H. The Brandon Rec is collaborating with area rec departments to co-host the inaugural Killington Valley Master Games. This will be for individuals age 40+ and will include competition in games such as swimming, table tennis, golf, foot golf, bocce, tennis, disc golf, corn hole, 3v3 basketball, spot basketball shooting, mahjong, bridge, precision walk, cribbage and 5k and 1-mile walk. The games will take place September 6th through the 13th.

Devon Fuller expressed his gratitude for the great job that Bill Moore has done. Brandon now has an incredible Rec Department that collaborates with all groups in the community. Seth Hopkins also thanked Mr. Atherton and Mr. Carr for coordinating the groundbreaking ceremony for Segment 6. Mr. Hopkins noted there was an editorial in the Rutland Herald that talks about the overall good momentum in the town. Doug Bailey questioned if the bump on Carver Street will be repaired. Dave Atherton reported when the pavers return, the bump will be fixed. Mr. Bailey questioned what the Town's match will be for Newton Road and Mr. Atherton advised that the Town is currently considering two options that would be discussed later in the meeting. Mr. Bailey asked if there has been a meeting organized with FEMA to talk with the residents of Newton Road and Mr. Atherton reported the Town has reached out to River Management about meeting with the residents concerning what can be done in the river.

3a) Consider Park Street Scope and Funding

Mr. Burlett provided information to the Select Board and advised that VTrans indicated there are some paving funds available for Class 1 highways that the Town is not doing with Segment 6, which would include Park Street to the Brandon Inn and to the corner of Wheeler Road. There has been discussions about what to do with Park Street and Mr. Burlett has been working with Aldridge and Elliott on what to do to fix the street properly. The total cost would be \$1.6 million, which would include storm water, water lines, dealing with the drainage issues, digging up the road and paving. The Town is researching grant funding, but the first step is to get the Select Board approval to move forward. Mr. Burlett advised that included in the total was \$300,000.00 for water and \$120,000.00 for water district engineering that would be reduced from the Town's portion and \$370,000.00 for the roadway/curb would have a VTrans match. This would bring the Town's match way down. Mr. Burlett met with the Prudential Board and they are in agreement with moving forward with the project. This is an SRF loan and payment does not begin on the loan until two years after the project is deemed complete. Mr. Burlett also noted there would be other grant funding available, such as for clean water and SRF also assists the Town in finding funding sources as well. Mr. Burlett requested the Select Board approve going for the SRF funding. Devon Fuller questioned if the figures are for both the engineering and construction and Mr. Burlett confirmed it is for the total project. Mr. Burlett is planning to apply for a loan to start the engineering that will provided the figure for the construction. The next step after applying for the SRF funding would be an RFQ. The deadline for the paving funds is 2019. The Town can get almost \$400,000.00 of paving done at no cost and it would be the most cost-effective way to do the project right. The estimated time to hear back from the State regarding the SRF funding is three weeks.

Motion by Devon Fuller/Brian Coolidge to authorize the Town Manager to submit an application for SRF (State Revolving Fund) for the Park Street project and include the SLQ (Statement of Qualifications) for the project. **The motion passed unanimously.**

3b) Consider Newton Road Reimbursement Request Form TA65

Dave Atherton received the bill from Markowski for the Newton Road repairs. Originally, the Town was going to apply for state emergency funding, since FEMA has not declared Vermont a disaster area and eligible for funding. The state emergency funding will cost the Town a little more, but the reimbursement would be faster. The TA65 form would be sent to the AOT and the Town would receive reimbursement of 75% of the total project cost, which would leave the Town owing \$132,000.00. The alternative would be to apply for FEMA funding if a disaster is declared and FEMA would reimburse 87.5% and the Town would owe 12.5%. Mr. Atherton stated it is not known when the Town will see the declaration from FEMA and the bill is due 9/10/17. Devon Fuller asked if FEMA is anywhere near declaring. Daryl Burlett stated it has been 6 years since Irene and the Town is still waiting for money from Irene. It has been two solid years in trying to get the projects closed out. Mr. Burlett stated he is trying to push VTrans to push FEMA and he would like to submit the bill to VTrans so that they will push FEMA to move forward. Mr. Atherton noted if the Town does not move in the direction of state emergency funding, it will be carrying \$500,000.00 on the books. It is not certain that the request will be approved. Mr. Atherton noted the Town meets the criteria for emergency funding, as it is based on the percentage of the highway maintenance fund. Mr. Burlett doesn't know if the State can take Brandon's paperwork and request funds from FEMA. Mr. Atherton noted the Town took a

\$650,000.00 hit from Irene and this seems like a small price to pay to get the majority of the money back rather than waiting for the money. The Town's share would be coming out of the Unrestricted Fund. Carl Fjeld asked if this would affect the private homeowners if the Town no longer were applying for FEMA funds. Mr. Burlett stated the private citizens would go through Hazard Mitigation, not FEMA. Judy Bunde asked who is the top administrator for Hazard Mitigation and it was noted that person is Lauren Oates. Mr. Burlett stated they do not work according to FEMA's regulations and their highest priority is to bring the properties back to natural flood plains. Mr. Burlett noted that FEMA has to declare a disaster for the State of Vermont before Hazard Mitigation will take any action. Mr. Burlett advised the state emergency fund is a small pool and the first ones that apply get the money. The Town could wait, borrow the money and pay the interest or get the money within 30 to 45 days. Mr. Burlett stated FEMA is for road disasters and infrastructure, not for personal property, which is Hazard Mitigation. The overflow culvert was Hazard Mitigation funding to try to prevent a future disaster. Doug Bailey stated the Town has a healthy reserve in the General Fund. Mr. Bailey suggested now that part of the Public Works Director's salary is being reimbursed for his work on Segment 6, perhaps part of his salary could be used toward this item. Seth Hopkins stated there is a Fund Balance policy and the \$527,000.00 is not out of that policy's stated goals, but spending \$132,000.00 would bring the Town below the policy's stated goal. He thinks it is important that the money for the local project manager be available as this is a highway expense. Mr. Atherton will look into the legality of this, as he is not supposed to move highway funds out. Brent Buehler asked if Newton Road is fixed and it was confirmed that the road is completed. Mike Lee stated the issue is the river. Mr. Atherton stated the Town has not forgotten about the river and all are aware there is a problem with it. The Town has been trying to get the people from the State to visit and determine what needs to be done to fix it correctly. Mr. Burlett stated the Town does not own the river, and when he gets permits, it specifies exactly what can be done, as he is under the State's rules with what he can do. Mr. Burlett stated a private landowner could apply for a permit to remove 100 yards per year out of the river. Mr. Atherton stated there are certain things that the landowners can do. Mike Lee has spoken with Josh Carbajal and he is interested in meeting with the people from the road as a whole and Mr. Lee would like the Select Board to be present to represent the Town. Devon Fuller suggested Mr. Lee set the meeting with Mr. Carbajal and he would be glad to attend the meeting. Mr. Lee noted the State has indicated the river will never be dredged again. Doug Bailey stated it is frustrating that between what the residents, Town and Markowski are doing in the area; the State is not providing information on what can be done. Mr. Burlett stated Mr. Carbajal did walk the river and dredging is not the answer, as all the water would stay in the bank of the river. If the river does not overbank, the body of water could take out the downtown again. Bernie Carr suggested scheduling an evening meeting and perhaps a representative from Markowski also be invited. Mr. Lee expressed concern that the agriculture vehicles do not have an access to the fields and suggested that someone from the Town contact Nops to discuss this.

Motion by Devon Fuller/Tracy Wyman to request reimbursement from the State of Vermont Emergency Fund for the Newton Road reconstruction through form TA65 in the amount of \$395,464.00. **The motion passed unanimously.**

4. Comments for Items Not on the Agenda

Devon Fuller stated the Downtown Brandon Alliance has been trying to promote the Segment 6 project that started with a Route 7 Segment 6 Palooza and sold hard hats at that time. There have been over 100 hard hats sold and they are still available for purchase at the Town Office. Beginning the next Select Board meeting, there will be a drawing for \$50.00 in Brandon Bucks for anyone who has purchased a hard hat.

Dick Kirby stated a bush hides the sign across from the Police Station that lights up, and an additional sign for the traveling public is very close to the sign. Mr. Kirby expressed concern that it is a driving hazard. Dave Atherton advised that Mr. Burlett and he would talk to Casella's about the sign.

Mike Lee expressed his gratitude to Markowski for the work they did on Newton Road.

Darleen Griffin stated the ditches are very deep on Newton Road and she is concerned with cars going off into the ditches, particularly this winter. Mr. Atherton noted the road is open and the road is posted correctly. Carl Fjeld advised he had conversations with the State regarding the river. He stated when the tear down was done, there was supposed to be some mitigation work to be done. With the last flood, his building sustained \$250,000.00 in damages and it cost the town \$500,000.00 to repair the road. He noted he has had conversations with Josh Carvajal of ANR and Mr. Fjeld realizes the Town is working with ANR, but if they are going to change the way they manage the channel, they need to indicate what they are going to do. If they are not going to manage the river and let it maintain the natural channel, ANR should let the Town know. If they want to create a flood plain again, they should buy out the residents. Seth Hopkins stated there was a resolution drafted by the Select Board to the State of Vermont urging the River Management officials to meet with the Select Board and the residents of Newton Road. Devon Fuller stated he is concerned with the residents of Newton Road and is willing to attend the meeting that Mr. Lee sets up with Mr. Carvajal. Mr. Fuller noted the road was fixed properly this time and was completed within a month and the Board needs to get the resolution sent to the proper people and then have a meeting with the State. Mr. Fuller feels that this has to be a group effort. Ms. Griffin stated the residents are scared and they do appreciate that the Select Board is hearing them. Mr. Atherton suggested he and Mr. Lee meet to discuss a meeting. Mr. Atherton noted there is a restriction in Mr. Fjeld's deed indicating that the property was to be left for open space for a natural flood plain. Mr. Fjeld stated there is no proactiveness from the Select Board in contacting the ANR. It was suggested the Select Board schedule the meeting and have Markowski present as well. Mr. Hopkins suggested the Select Board authorize Mr. Atherton to set up the meeting sometime after Labor Day and to identify who should be at the meeting. Bernie Carr suggested having the State Representatives also attend the meeting. Ms. Griffin asked for clarification on permits for the river. Mr. Atherton advised there is one permit the Town has to pull trees out.

5. Brandon Leicester Salisbury Goshen Insect Control District Request

Dave Atherton reported the Mosquito District has been spraying constantly due to the amount of rain this year and they are requesting that the Town approve payment of their first and second quarter installments.

Motion by Doug Bailey/Tracy Wyman to approve paying both quarterly payments for the BLSG Insect Control District that is in this evening's warrant. **The motion passed unanimously.**

6. Grand List Errors and Omissions

Dave Atherton stated the listing is errors and omissions that were caught by the Assessor's Office and the Select Board usually takes action to approve them to be inserted into the Grand List.

Motion by Devon Fuller/Tracy Wyman to approve the Assessor's errors and omissions to be inserted into the Grand List. **The motion passed unanimously.**

7. 2018 Town-wide Reappraisal Bid

Dave Atherton advised the Town is preparing to have a reappraisal. Normally it is put out to bid; however, there are not many groups who now do reappraisals. Mr. Atherton has been speaking with NEMRC concerning the possibility of them doing the reappraisal. Mr. Atherton suggested waving the bid process and going with NEMRC, as the last appraisal was done by another firm and it was not done very well. The Town has a good working relationship with NEMRC. The town-wide reappraisal is funded half by the State and half by the Town and it is acceptable to the State to waive the bid process.

Motion by Doug Bailey/Devon Fuller to hire NEMRC to do the 2018 town-wide reappraisal and forego the bid process. **The motion passed unanimously.**

8. Appointments

Seth Hopkins advised the vacant terms for the various committees have been provided to the Select Board. Elaine Smith has contacted all of the people whose terms have expired and all have expressed an interest in continuing on their respective committee with exception of Phyllis Aitchison of the Planning Commission. Elizabeth Murray has submitted a letter of interest to serve on the Planning Commission. Mr. Atherton noted at the next meeting there would be a discussion regarding the Economic Development Committee. Mr. Atherton will send a letter of gratitude to Ms. Aitchison for her years of service on the Planning Commission.

Motion by Devon Fuller/Doug Bailey to approve the appointees to the committees according to their terms stated on the document provided, with exception of substituting Elizabeth Murray for Phyllis Aitchison on the Planning Commission. **The motion passed unanimously.**

5. Fiscal

a) Warrant – August 14, 2017 - \$281,591.88

Motion by Tracy Wyman/Brian Coolidge to approve the August 14, 2017 warrant in the amount of \$281,591.88. **The motion passed unanimously.**

b) Route 7 Construction Warrant – August 14, 2017 - \$41,351.80

Motion by Devon Fuller/Tracy Wyman to approve the August 14, 2017 Route 7 Construction warrant in the amount of \$41,351.80. **The motion passed unanimously.**

7. Adjournment

Motion by Brian Coolidge/Devon Fuller to adjourn the Select Board meeting at 8:42PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary