

Brandon Select Board Meeting September 25, 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, Lee Kahrs, Mike Frankiewicz, Richard Baker, Ray Jobst, Kathy Hopperstad, Darleen Griffin, Bernie Carr, Anna Scheck, Jan Coolidge, Dick Kirby, Steve Bisette, Chris Brickell

Terrie Patch was the winner of this month's Even Better Brandon Drawing.

1. Call to order

The meeting was called to order by Seth Hopkins – Chair at 7:03PM.

a) Agenda Adoption – Motion by Devon Fuller/Tracy Wyman to adopt the agenda. **The motion passed unanimously.**

2. Approval of Minutes

a) September 11, 2017 – Select Board Meeting Minutes

Motion by Tracy Wyman/Doug Bailey to approve the Select Board minutes of September 11, 2017. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided a work schedule from Casella Construction, Inc. There will be a Select Board policy workshop tomorrow at 7:00PM in the Town Office Conference Room. Mr. Atherton noted Columbus Day falls on a Select Board meeting day and asked if the Board wanted to meet that day. It was the consensus of the Board to maintain the meeting schedule. Segment 6 work continues on Carver Street with water and sewer lines. There could be some disruptions in utility services, but the contractor has been good about advising people. There was nothing to report on Bridge 114 or Churchill Road Bridge at this time. Work was completed on the Champlain Street pump station that included final paving on Champlain Street, electrical work, installation of new ATS and generator and removal of the old generator. Belden is planning to core for new suction line penetrations next week and will be looking to bring the skid pump station in at the end of next week or first of the following week. Mr. Atherton had a conference with FEMA and VTrans on September 20th to start the reimbursement process for the Newton Road repairs. The Town will be meeting with FEMA tomorrow to get invoices and documentation uploaded on the FEMA portal. Meetings are being scheduled with Newton Road residents and Hazard Mitigation to assist in filling out the applications for buyouts. So far, there

are six meetings scheduled. September 22nd was the final day for the tenants of 3 Conway Terrace to vacate the premises, after which the Town will schedule demolition and removal. As of Friday afternoon, the current delinquent tax amount is \$229,734.38 and the delinquent sewer amount is \$116,601.21. The Town is continuing to set up payment plans for the delinquent accounts and payments are still being received. In the Rec Department, the Harvest Fest is scheduled for October 1st at Estabrook Park from 1PM to 4PM. The RNESU/UVM Extension program, PROSPER, began on September 20th at OVUHS. Flagship movie booklets are still available, but are going fast. Mr. Atherton advised that the engineering report for the Town Office was located. The document has the information about the piers relating to the town office. The Town will look at the possibility of doing this repair at the same time as Bridge 114. Devon Fuller questioned where the funding would come from for this repair. Mr. Atherton advised the funding for Bridge 114 would be through VTrans, however, the piers would not tie into that funding, but it is hoped that the same contractor could be used. Mr. Fuller questioned if the Champlain Street pump station roof was complete and Mr. Atherton advised it was close to completion. Mr. Fuller advised that Even Better Brandon hardhats and park bricks will be sold at the Harvest Fest.

Seth Hopkins stated six of the Newton Road residents have come forward to start the buy-out process. Dave Atherton advised that October 27th is the deadline for the fall applications. Applications could be submitted again in March 2018. It is hoped to have a speedy turnaround on the process.

Doug Bailey noted the barrier issue near Blue Moon that was discussed at the last meeting was quickly taken care of.

Mike Frankiewicz heard if the Newton Road residents did not choose the buy-out and there is another flood that FEMA will not assist. Dave Atherton has not heard that statement, but will inquire during the meeting on Thursday, as this is a voluntary process for the landowners. Doug Bailey did not get the impression from the information that if one did not go with the buy-out that the residents would be on their own for future floods. As long as there are properties on the road, the Town would maintain the road. Dave Atherton stated the Town will not take away someone's frontage and will not abandon the road as long as there is a house on it. Devon Fuller stated as long as it is a road, it is doubtful that FEMA would not assist with future floods. Mr. Atherton suggested if people hear comments they should call the Town Office to clarify. Mr. Bailey noted people can start the buy-out process, but can stop the process at any time. It was asked if the same amount would be offered in March, but it is not known what the offers would be at that time.

4. Zoning Administrator's Report

Anna Scheck reported there were 6 permits issued this past month. She was working on one to do with flood hazard, but that may change. On Newton Road, the property that had a lot of junk is working on that issue and should be done by late fall, but it has come long way. The property on Maple Street is scheduled to begin clean up and securing this week. There has been a complaint on one of the permitted junk yards, but that situation was resolved. The Planning Commission has been working on changes to the Land Use Ordinance. The section on farm

animals as been rewritten and they are working on the signage section to make the ordinance easier to read. There has been \$10,450.00 collected for 2016 compliance fees. The RRPC has reviewed the two solar projects and will be writing their letters of compliance. The RRPC has a new website and Brandon's statistics are noted. It is a very good site and if anyone has suggestions for additions, they can email the RRPC. Ms. Scheck reported there have been some courses she has taken regarding flood regulations, flood hazard and Act 250. She has more trainings coming up this fall.

Doug Bailey is happy to see some positive movement on the Maple Street issue. Tracy Wyman is glad to see the Newton Road issue is being cleaned up. Seth Hopkins asked about the Walnut Street issue. Mr. Atherton advised the bankruptcy has been dismissed and he has contacted the attorney about putting them up for tax sale. Initially the owners were supposed to surrender the property to the Town, but that has not happened. The insurance company paid off the bank and the original homeowners still own it. It was suggested to try to reach out to the owners, but Mr. Atherton stated this has already been done.

Bernie Carr asked if the residence across the street from Ms. Scheck's house is now a business. Anna Scheck stated the cars belong to the homeowner that are for sale and there are two other junk vehicles. They do belong to the homeowner and most have license plates on them. Ms. Scheck noted she can review the situation again. Doug Bailey stated the rule is that cars should be registered and inspected.

5. Park Street Update

Dave Atherton stated three statements of qualifications from Otter Creek, DuBois & King and Aldridge and Elliott (A & E) were received and reviewed. Aldridge and Elliott were chosen to use for this project. A letter has been received from the State of Vermont advising the Town has received a grant for \$308,000.00 for the storm water system upgrade, which will require a \$77,000.00 match. This amount would cover the complete storm water system. Mr. Atherton will go through the grant to confirm if the match could include in-kind. Seth Hopkins asked if A & E would be available for a public comment meeting. Mr. Atherton advised that A & E's acceptance letter was mailed today and he will contact them to schedule a meeting. Mr. Atherton noted if this project is USDA related it would require a public forum. It is hoped the Town will obtain a sewer grant similar to the storm water grant. There has been assistance received from the State for the paving. The rough schedule is to have the paving done in 2019, with all other aspects of the project completed prior to that date. Doug Bailey requested Mr. Baker inquire to the RRPC whether Route 73 through Forest Dale is still on their planning schedule as it was supposed to be done this year. Richard Baker will be attending an RRPC meeting on Thursday and he believes Park Street is the #1 priority for Rutland County projects. Bernie Carr stated Daryl Burlett did indicate the project would happen through Marble Street. It is uncertain if it going out to bid at the state level at this point.

6. Approve Purchase and Sales Agreement for Tax Sale Lot

Dave Atherton presented the Board with a Purchase and Sales Agreement for 68 acres on Route 73, Champlain Street, that the Town obtained through the tax sale. The owners did not redeem the property and the Town has received an offer of \$3,000.00.

Motion by Devon Fuller/Brian Coolidge to approve the purchase and sale agreement of Barry Delphia and Julie Delphia for 66.5 acres of undeveloped land on Champlain Street for \$3,000.00.

Devon Fuller advised the Town could not make any more money than what the taxes were on the property, but in selling the property, it can be added to the tax roll. Doug Bailey asked if the Delphia's property borders this property. Mr. Atherton stated they are not abutting owners, but Mrs. Delphia's family previously owned this property. Mr. Atherton noted this property has NCRS easements and cannot be built on.

The motion passed unanimously.

7. Comments for Items not on the Agenda

Ray Jobst stated he read the level of education is declining and asked how teachers can ask for 2% raise with this situation. Mr. Jobst noted teachers should be asked what type of education they are giving. Seth Hopkins advised the Select Board does not have any control over the schools, but Mr. Jobst comments were noted for the record.

Doug Bailey thanked the Town Manager for organizing the meeting last week with FEMA and the State. It was good to provide people the opportunity to ask questions and for the agencies to meet individually with residents of Newton Road.

Chris Brickell reported there will be a meeting held in the Brandon Town Hall tomorrow from 1:30PM to 4PM for public input on issues facing law enforcement. Senator White of the Senate Ops Committee is traveling around the state obtaining public input. Seth Hopkins questioned if this is related to the bill requiring each town to have some sort of law enforcement. Chief Brickell could not confirm whether this was the case or what the format of the meeting would be.

Bernie Carr requested a status on Bob Read's bridge. Dave Atherton reported Mr. Read is coordinating with the contractor to try to get it in this fall.

8. Fiscal

a) P. O. 52055 to Cargill, Inc. for Road Salt - \$58,378.00

Motion by Devon Fuller/Tracy Wyman to approve P. O. 52055 to Cargill, Inc. for road salt for an amount not to exceed \$58,378.00. **The motion passed unanimously.**

a) Warrant – September 25, 2017 - \$76,988.42

Motion by Tracy Wyman/Devon Fuller to approve the September 25, 2017 warrant in the amount of \$76,988.42. **The motion passed unanimously.**

Doug Bailey noted the Birch Hill digging was funded through a grant; however, it should have come before the Board as it was over the spending limit, though it was not coming out of taxpayer money. It was suggested to possibly change the Purchasing Policy as it relates to grant funding.

b) Route 7 Construction Warrant – September 25, 2017 - \$83,435.74

Motion by Doug Bailey/Brian Coolidge to approve the September 25, 2017 Route 7 Construction warrant in the amount of \$83,435.74. **The motion passed with one abstention – Tracy Wyman.**

The Select Board recessed at 7:43PM.

The Select Board reconvened at 7:47PM.

Motion by Brian Coolidge/Devon Fuller to enter into executive session at 7:47PM pursuant to 1VSA 313(a)(3) regarding the appointment or employment or evaluation of a public officer or employee. **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/Devon Fuller to come out of Executive Session at 8:10PM. **The motion passed unanimously.**

Motion by Brian Coolidge/Devon Fuller to request the Board Chair advise Anna Scheck that she needs approval to attend seminars. **The motion passed unanimously.**

Motion by Tracy Wyman/Brian Coolidge to enter into executive session at 8:12PM 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.**

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

Motion by Tracy Wyman/Doug Bailey to come out of Executive Session at 8:59PM. **The motion passed unanimously.**

Motion by Tracy Wyman/Doug Bailey to authorize the Board Chair to finalize the contract renewal with the Town Manager. **The motion passed unanimously.**

Seth Hopkins recused himself from the last executive session and departed from the meeting. Doug Bailey oversaw the remainder of the meeting.

Motion by Doug Bailey/Tracy Wyman to find that premature general public knowledge of a possible pending lawsuit will clearly place the Town of Brandon at a substantial disadvantage by discussing in open meeting. **The motion passed unanimously.**

Motion by Doug Bailey/Tracy Wyman to enter into executive session at 9:01PM per 1VSA 313(a)(1) to discuss the pending or probable civil litigation or prosecution, to which the public body is or may be a party with the Town Manager in attendance. **The motion passed unanimously.**

11. Executive Session Pursuant to 1V.S.A. 313(a)(1)

Motion by Devon Fuller/Doug Bailey to come out of Executive Session at 9:07PM. **The motion passed unanimously.**

There were no actions required.

12. Adjournment

Motion by Devon Fuller/Doug Bailey to adjourn the Select Board meeting at 9:08PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary