

**Brandon Select Board Meeting  
November 12, 2018**

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

**Board Members In Attendance:** Doug Bailey, Tracy Wyman, Devon Fuller, Brian Coolidge

**Others In Attendance:** Dave Atherton, Steve Bissette, Dick Kirby, Bernie Carr, Carol Byrne, Joan Salkins, Russell Jones, Arlen Bloodworth, Mike Frankiewicz, Bob Clark, Michael Shank, Jack Schneider, Tim Kingston, Janet Coolidge

**1. Call to order**

The meeting was called to order by Doug Bailey at 7:01PM.

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

**2. Approval of Minutes**

*a) Approval of Minutes – October 22, 2018 - Select Board Regular Meeting*

**Motion** by Brian Coolidge/Tracy Wyman to approve the October 22, 2018 Select Board meeting minutes. **The motion passed unanimously.**

Correction to the motion under Land Purchase Discussion – Motion passed with 2 “No” votes – Tracy Wyman and Doug Bailey.

**3. Town Manager’s Report**

Dave Atherton provided the following update for the Segment 6 Project:

Last Two Weeks:

- . Installation of concrete and brick sidewalks in the Central Park area, Segment B.
- . Existing sidewalk removal and back fill placement adjacent to business, (Lot 'A' across from Central Park).
- . Installation of traffic control signals and ornamental lighting near Central Park, (Segment 'B').
- . Continued roadway box cut, (subbase preparation) and underdrain installation within Route 7 Jiffy Mart, (South) and adjacent roadways.
- . Sidewalk preparation adjacent to Route 7 Jiffy Mart and to the South.
- . Drainage improvements within Route 7 Crescent Park area and to the South.
- . Water main improvements within Prospect Street.

#### Next Two Weeks:

- . Gazebo construction/completion.
- . Permanent and temporary pavement placement, (weather dependent).
- . Continued installation of traffic control signals near Central Park, (Segment 'B') and ornamental lighting within this area as well as Crescent Park area.
- . Continued placement of topsoil, seed, fertilizer and hay mulch at various locations.
- . Pavement markings project wide, (these are likely to be temporary placements).
- . Installation of traffic control signage.
- . Installation of temporary paved sidewalks throughout the project.

#### Bridge 114:

The stonework is complete. The 3-beam rail in front of 4 Conant Square is up and the bridge rail along the park has been stripped of the formwork. Alpine poured the bridge rail over the arches. F. R. Lafayette is back on site to install the black 2-beam rail that runs over the arches. The cast in place concrete curb along the new sidewalk deck is formed and will be poured this week. The last small piece of bridge rail along the park and two light pedestals will be poured as well. Alpine will continue to remove supplies from the park and town garage and weather depending may install a drainage structure and the associated pipe run at the south end of the park. The concrete jersey barriers will be shortened on the north end and moved toward the curb as winter shut down progresses. Grass seed will not be spread this late in the season but Alpine will mulch the open areas in the park as erosion control.

#### Churchill Road Bridge:

The bridge has been completed. The Won will be scheduling the installation of the box culvert soon.

#### Route 73:

J. Hutchins continues to replace and install culverts, including the drop inlets and headwalls in Brandon, working westward. Drainage work is currently scheduled to be done as early as the end of next week. Kubricky will continue paving in pipe trenches behind the installation crew. Traffic Information: One-way alternating traffic patterns may be necessary at times within active work zones. Traffic control personnel will be onsite helping to direct the flow of traffic. Motorists should be advised there is a speed reduction in the work zone beginning in Brandon just north of the intersection of Routes 53/73 extending into Goshen.

#### Other News:

Mr. Atherton attended an EMO training in Manchester on 10/31/18. Mr. Atherton met with a Middlebury College geology class on 11/9/18 on Newton Road to discuss natural disasters,

floodplain risk and the social stresses it creates. The Town will be having a VLCT sponsored flagger training this Friday.

Devon Fuller questioned the ETA of the traffic lights and completion of Bridge 114. Mr. Atherton reported there is an extension to next June for Bridge 114, with the roadwork being done at that time. They do not want to tear the road up if they cannot put down temporary paving. There have been some setbacks and the Town has been working with the contractor. There will be no additional cost to the Town. The timing for the traffic lights is not known at this time.

Mike Frankiewicz requested a status of the FEMA buyouts for Newton Road. Mr. Atherton reported there had to be soil samples done for historic preservation testing on the first three houses approved and the Town has not received the results from the testing. The properties that have applied since that time will be processed once the Town has received approval from FEMA to do the appraisals and other work. Mr. Atherton will notify the homeowners once the Town has received the approval from FEMA.

#### **4. Zoning Administrator's Report**

Doug Bailey stated the Zoning Administrator provided a written report. Dave Atherton reported Mr. Biasuzzi is very knowledgeable in that department. Mr. Bailey attended a Planning Commission meeting and had a good discussion of the items noted on the report. Devon Fuller asked if there has been an update on the Kirby complaint. Mr. Atherton reported Mr. Kirby has advised that the property in question is looking better. Mr. Fuller wished to compliment the Zoning Administrator on the report, as it is the information the Board is looking for. Mr. Atherton advised Mr. Biasuzzi has sent letters to the residents of Newton Road that also have violations. Mr. Biasuzzi is spending more time on zoning issues now that the busy permitting season has ended.

#### **5. Comments for Items Not on the Agenda**

Michael Shank provided an update on the Energy Committee activities. Mr. Shank noted every town in Vermont has to write an energy plan. The Energy Committee consisting of Mr. Shank, Edna Sutton, Lowell Rasmussen and Jack Schneider have been tasked with a rewrite of the Brandon Energy Plan. The goal of the State is to be 90% renewal by 2050. The Energy Committee recently hosted a workshop on energy efficiency, in partnership with Efficiency Vermont, and will host a workshop in January on heat pumps. Mr. Rasmussen has developed a questionnaire for future energy projects that has been submitted to the Planning Commission for review. The document will be made public as soon as the Planning Commission approves it. A company will not be required to complete the questionnaire and is not a legally binding document, but would provide a company the opportunity to be a good citizen. There will be several people attending the hearing on November 19<sup>th</sup> for the Conti Solar project. About two-thirds of the Town's Energy Plan is completed and it is the intent of the Energy Committee to have it finished late winter/early spring for the Planning Commission's review. The Energy Committee will be placing ads in The Reporter to solicit participation from local landowners for preferred solar sites to assist in preserving the preferred view sheds. A list will be compiled so

that when companies are considering a project in the Brandon area, they will be provided this information for the preferred sites. Mr. Shank advised it takes about a year to build out an energy plan for a town. This Committee meets the first Monday of every month at 5PM and is open to the public. The agenda and meeting minutes are posted on the Planning Commission section of the Towns' website.

Bob Clark was present to discuss the Conti Solar project. He noted it came to the abutting residents' attention the water line is not under the province of the Select Board, rather the Prudential Board. Mr. Clark did not think the article in the Rutland Herald captured the nature of the Prudential Board's meeting. There is concern from the residents and requested the Select Board take a more aggressive stance, though the water line is not under the Town's jurisdiction, as this project could affect the Town in a major way. There was a conference in Montpelier and the residents' attorney filed motions, however, the Town's attorney did not share in the motions. Mr. Clark stated the Town should be able to comment as it affects the orderly development of the Town, public health and safety and contrary to some of the siting requirements in the Town Plan. It is hoped the Select Board will join with the residents to help stop the project. The residents are concerned the property values will drop in that area. Doug Bailey will review the article in the Rutland Herald and advised he will be at the hearing that is scheduled for 6:30PM on November 19<sup>th</sup> at the Town Hall. This will be a hearing for the public to provide comments on the project. Mr. Bailey advised the Select Board has not approved this project and there are Select Board members that plan to be at the meeting. Devon Fuller stated there are certain things the Town will not be able to do and the town's attorney is aware the Select Board wants to oppose the project. Michael Shank stated members of the Energy Committee are surprised to see how much authority the PUC has. He noted that once the Regional Planning Commission approves the Energy Plan, the Town would have substantial deference that will allow the Town to have a little more power at the table. Mr. Shank reported Rutland Town is working with Middlebury College students to certify view sheds in their area to provide more protection for those areas. In protecting view sheds, the process has to be applicable to all business development. Dave Atherton stated there was language included in the Town Plan when last approved to include solar siting language for Routes 73 and 7, which is currently all the Town has to go by. The Town does not own the water line and if it is impaired, it will not affect the Town's water supply. The Select Board has indicated they do not support the Conti project and do promote the Davenport project and other projects that have been done properly. Mr. Shank stated the Town is doing everything that they can. Mr. Clark suggested the Select Board join in the motions of the residents. It was noted the residents are spending a lot of money to fight this project. Mr. Bailey noted this is the first time the Select Board has not supported a solar project and is the first time the Town has had its attorney involved in the party status. Mr. Bailey reiterated he plans to attend the meeting on the 19<sup>th</sup> and will support the neighbors' cause. Mr. Atherton stated the attorney has indicated the waterline has been brought up and will be discussed at the meeting on the 19<sup>th</sup> and the waterline issue may reduce the project. Mr. Atherton stated Conti came to the Town two years ago and met with him and Mr. Moore and were advised at that time that this was not a good place for the project. The Select Board has also advised the company that this project is not being supported. Mr. Shank noted the Town Manager had suggested alternate locations for the project; however, the PUC did not approve the change of location. Mr. Clark noted the Prudential Committee was discussing how they could help with the water line issue. It was noted there are many families that will be affected by this project and it was not understood how this

project could be approved. Mr. Bailey stated a solar company does not have to come to town, but do so to get a letter of support for the PUC. Mr. Atherton advised the Town also filed a motion to intervene. Solar arrays of this size that tie into the grid are not subject to local zoning. It was suggested the local residents could contact the President of Conti Solar to express concern.

## **6. Approve AFSCME Contract**

Dave Atherton had provided the Board the latest version based on union negotiations, with the Police Department taken out. The Town had to upgrade the Assistant Town Clerk job description that was outdated. This contract was hoped to be approved by July 1<sup>st</sup>.

**Motion** by Devon Fuller/Brian Coolidge to approve the AFSCME contract. **The motion passed unanimously.**

Mr. Atherton stated it needs to be determined whether the Town is going to set up a committee for the Police negotiation, as there are now two unions to negotiate with. It was suggested the Select Board consider authorizing the Town Manager and Board Chair to negotiate the Police Union contract, as this will mirror what they have already. The Union Rep for the New England Benevolent Police Association has reached out to the Town to request starting the negotiations. It would be easier to set up meetings if a quorum of the Board was not required.

**Motion** by Brian Coolidge/Devon Fuller to authorize the Town Manager and Board Chair to do the Police Union negotiations. **The motion passed unanimously.**

## **7. Set Budget Committee Meeting Dates and Times**

Dave Atherton reported the Town staff has started putting together information for the new budget module and have some numbers back from some of the departments. The Select Board will be provided budget sheets prior to the Budget Committee meetings. It was the consensus of the Board to schedule the first two budget meetings for November 20<sup>th</sup> and 27<sup>th</sup> at the Town Office conference room starting at 7:00PM. Mr. Atherton suggested the Town Clerk and Town Manager's budgets could be reviewed on the 20<sup>th</sup>. Additional meeting dates will be determined after the first meetings. The Budget Committee members will be Jan Coolidge, Tony Paduto and Doug Sawyer. Mr. Atherton stated it can be discussed if additional members are needed at the first meeting.

## **8. Consider Purchase of Sidewalk Tractor**

Dave Atherton advised that Tim Kingston and Daryl Burlett have done a lot of research on the options for a sidewalk tractor. Through the review, the proposed tractor appears to be the piece of equipment that will do the best job. There is now a lot of sidewalk that is brick and more curbing. This machine will blow the snow into a truck and will provide better clean up. Mr. Burlett recommends a trackless machine for the sidewalk. Tracy Wyman questioned what other options were considered. Mr. Atherton provided information on three other options that were considered. Devon Fuller asked how the equipment would be funded. Mr. Atherton advised it would be a municipal lease that would not require a payment until the 2<sup>nd</sup> year. Mr. Atherton

noted used equipment was also considered. Mr. Fuller questioned if the price included a truck shoot and it was confirmed that it did not, however, Tim Kingston noted the machine has a loading range of 20 or 30 feet. Mr. Kingston advised this equipment is not a dedicated sidewalk machine; as it could run a mower, ditch mower, aerator, broom, plus other options. There would be a 60-inch angle plow, blower, spreader, broom and the water tank that would run the broom. Mr. Kingston does not know if the bricks should be plowed or broomed. Mr. Atherton stated there are going to be more sidewalks in town to do this year and last year the skid steer broke down a lot. Mr. Fuller stated the Town has spent a lot of money for the upgrade and agreed there needs to be better equipment to take care of the upgrades, with efficiency being important. Mr. Kingston noted if this equipment were taken care of properly, the Town would get 15 to 20 years out of the equipment. Bernie Carr agreed it is important to take care of the upgrades and it may be the most important piece of equipment to buy. Mr. Carr stated a snow blower had been used in the downtown, which was better than the skid steer, but was not the right choice and strongly endorsed the purchase of this equipment. Mr. Fuller noted this would be above and beyond the tandem truck that will likely be budgeted for next year. Mr. Atherton was not sure the status of the trucks, but the Town will be in the market for a new truck, but he is not sure if it will be next year. Mr. Kingston advised that depending on how long it takes to place the order, the delivery of this equipment would be sometime in December.

**Motion** by Tracy Wyman/ Brian Coolidge to approve the purchase of a sidewalk tractor in the amount of \$146,801.00, with the cost of a shoot to be researched. **The motion passed unanimously.**

Dave Atherton advised the Town usually does the municipal lease option that would start payments in the second year. Doug Bailey suggested the Town Manager review the finance options and advise the Board.

## **9. Fiscal**

### ***a) General Fund Warrant – November 12, 2018 - \$98,587.53***

**Motion** by Devon Fuller/Tracy Wyman to approve the General Fund warrant of November 12, 2018 in the amount of \$98,587.53. **The motion passed unanimously.**

Devon Fuller questioned the invoice for the Park Street sewer and water. Mr. Atherton reported this is the invoice for the design change. This item will be split between the Sewer and Water Departments and the Town.

### ***b) Route 7 Construction Warrant – November 12, 2018 - \$664,903.79***

**Motion** by Devon Fuller/Brian Coolidge to approve the Route 7 Construction warrant of November 12, 2018 in the amount of \$664,903.79. **The motion passed with one abstention – Tracy Wyman.**

### ***c) Bridge 114 Warrant – November 12, 2018 - \$115,077.15***

**Motion** by Devon Fuller/Tracy Wyman to approve the Bridge 114 warrant of November 12, 2018 in the amount of \$115,077.15. **The motion passed unanimously.**

***d) Churchill Road Bridge Warrant – November 12, 2018 - \$185,959.83***

**Motion** by Tracy Wyman/Brian Coolidge to approve the Churchill Road Bridge warrant of November 12, 2018 in the amount of \$185,959.83. **The motion passed unanimously.**

**10. Adjournment**

**Motion** by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:26PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary