

## **Brandon Select Board Meeting April 8, 2019**

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

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

**Others In Attendance:** Dave Atherton, Bernie Carr, Jeff Stewart, Brent Buehler, Barry Varian, John Wyman, Ralph Ethier, Charles Powell, Wayne Rausenberger, Mike Frankiewicz, Derek Larsen, Bill Moore, Russell Jones, Dick Kirby

### **1. Call to order**

The meeting was called to order by Seth Hopkins at 7:13PM.

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

Add Item 4a - Class 2 Highway Grant Application to Pave McConnell Road  
Add Item 4b - Annual Financial Plan for Town Highways – TA 60

### **2. Approval of Minutes**

**a) Approval of Minutes – March 25, 2019 - Select Board Meeting**

**Motion** by Doug Bailey/Tracy Wyman to approve the March 25, 2019 Select Board minutes, as amended. **The motion passed unanimously.**

Tim Guiles wished to clarify that under the Item 6 – Tax Stabilization: Smith Block LLC, Mr. Bonner declined to answer the question about rental rates.

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

Dave Atherton provided the following Town Manager's report for the weeks of March 25<sup>th</sup> and April 1<sup>st</sup>.

#### ***Union Street Sidewalk:***

The deadline for the RFQ was April 3<sup>rd</sup>. We will be reviewing the proposals this week and awarding an inspection firm.

#### ***Park Street:***

The historic review is still with the State. There have been calls made and it is in process.

***Newton Road:***

Mr. Atherton delivered appraisals to two of the landowners. One resident has made the decision to move forward with the buy-out and he has not heard from the other resident to date.

***Segment 6:***

- . Installation of storm water drainage pipes and associated with Storm water Treatment Structures No's 1: (treatment swale),  
2: (US Route 7 crossing) and 3.
- . Interior improvements to storm water treatment structures inclusive of concrete ballast, interior piping, sand and other components.
- . Sidewalk preparations beginning North across from Champlain Farms extending South.
- . Initiation of the installation of temporary water US Route 7, (High Street North).
- . Initiation of utilities' improvements within West Seminary Street.

***- Anticipation Upcoming Interval, (April 5, 2019 – April 19, 2019)***

- . Installation of drainage adjacent to Storm water Treatment Structure No. 1 located 43 Franklin Street and No. 2 across from former Mobil Station.
- . Continued saw cutting of existing roadbed materials.
- . Initiation of roadway widening along US Route 7 for maintenance to traffic during construction.
- . Initiation of drainage headwalls' construction near the former Mobil Station.
- . Installation of sewer crossing adjacent to the former Mobil Station.
- . Construction of new retaining wall adjacent to 8 Conant Square across from the former Mobil Station.
- . Continued installation of temporary water US Route 7, (High Street North).
- . Continued utilities' improvements within West Seminary Street.
- . Continued sidewalk preparations and installation beginning North across from Champlain Farms and extending South.

***Other Happenings:***

The tax sale was held on April 5<sup>th</sup>. All but three properties from the original tax sale list were redeemed prior to the sale.

The BLSG came to a settlement with the Toxic Action Center.

***Recreation Department News:***

The town hall hosted many events this past weekend. During the day on Friday, the Rutland Northeast Supervisory Union hosted their annual Dorothy Canfield Fisher event with over 200 kids from the area celebrating reading. On Friday night, we had the Wildlife Encounters of New Hampshire bring 7 animals for demonstration. Saturday, April 6<sup>th</sup> was the 3<sup>rd</sup> of the series of Brandon Idol concerts, Blues for Breakfast. The investment in the heating system is paying dividends with our increased offerings in the winter months that serves our community members and draw folks from surrounding towns. Friday, April 12<sup>th</sup>, the Grift is playing at the town hall with beer service being provided courtesy of the Red Clover Ale Company. Tickets are \$10.00 and available at the town office or at the door. The Middle School lacrosse has started and currently has 13 boys and 18 7<sup>th</sup> and 8<sup>th</sup> grade girls practicing and preparing for a spring season that ends June 16<sup>th</sup>. The Brandon Rec is headed to see the Boston Red Sox take on the Houston Astros on May 19<sup>th</sup>. Tickets are \$129.00.

Wayne Rausenberger reported the BLSG resolved the lawsuit and nothing has changed in the permit from what was originally submitted to ANR. The questions were answered to the satisfaction of ANR, but TAS had decided to take them to court. It cost \$40,000.00 to resolve this issue and it is hoped that the District does not have to go through this again. Mr. Rausenberger stated there was a citizen at one of the meetings that said the BLSG killed his bees. The BLSG did go down his driveway and sprayed and it was reported the next day. The incident went through the proper channels, with the State inspecting the hive and providing testing, with the test results indicating there were no detectible traces of any pesticide and the BLSG did not kill this resident's beehive. Mr. Rausenberger wished to clarify this issue and wanted the public to know that the BLSG did not kill this beehive.

Bernie Carr reminded people that the speed limit has been reduced to 15mph in the construction area for Segment 6 and will be enforced as a safety precaution and fines are doubled. In addition, when stopping in traffic, Mr. Carr requested to leave spaces in front of entrances. Pike will begin grinding the pavement on April 15<sup>th</sup> from Dirty Works Laundry and on the 18<sup>th</sup> they will repave the final base coat for the final finished pavement that will be done at the end of the project.

#### **4. Public Comment and Participation**

Seth Hopkins advised the Town Treasurer has prepared the monthly financial report. Mr. Hopkins has received notice in the mail from the AOT that they have completed the review of Brandon's single audit report and found no deficiencies. Dave Atherton advised because of the federal and state grants received, the AOT does this audit to assure the accounting practices are the same as what they want for grant reporting. Mr. Atherton noted the Town has good bookkeepers.

Barry Varian, Representative of the OVUU School Board reported there is a Planning Task Force commissioned by the Board to look at building a five-year plan for the district. That effort is coming to closure and there are some approaches the team would like to share with the community. There will be a forum on April 29<sup>th</sup> in the OVUHS library to bring forward some of the ideas and obtain public feedback prior to submitting to the OVUU Board. Mr. Varian invited the Select Board to attend the meeting, as their input would make the process stronger. Mr.

Varian noted anyone wishing to make comments can email him at barryvarian@gmail.com and he will provide the information to the coordinator of the meeting. Seth Hopkins noted concern with the Open Meeting Law if all members of the Select Board were to attend the meeting. Dave Atherton suggested the Board appoint a liaison to attend the meeting.

**Motion** by Tim Guiles/Tracy Wyman to appoint Doug Bailey as liaison from the Brandon Select Board to the OVUU Task Force for the April 29<sup>th</sup> meeting. **The motion passed unanimously.**

Bill Moore announced on April 20<sup>th</sup> at 6:30PM at the town hall, there will be a forum on the development of a Community Calendar for non-profit organizations that need volunteers or have community events to learn how to use Google calendar. The goal is to have a master community calendar. There will be a class offered to assure the organizations are all on the same page and are aware of what is going on. Mr. Moore noted this would include any church groups, service groups, etc.

Brent Buehler enjoyed the discussion about the EV parking lot and asked if there is a comprehensive plan for the parking lot regarding lighting, etc. Mr. Buehler also requested status on the Smith Block solution for off-street parking. Dave Atherton reported the Town is not planning to do anything until after the completion of Segment 6. Daryl Burlett and he have discussed what needs to be done and the charging grant is one of the first items. There will be public parking signs installed and they want to be sure it is a well-lit parking lot. The intent is to make the parking lot a trailhead for the downtown with a kiosk that will provide information about the Town. Mr. Atherton is not sure what Dunkin Donuts schedule is. Doug Bailey hopes there will be a barrier that differentiates the town property from the gas station's property. Mr. Atherton advised there is a specified right of way to get into the lot. Once it becomes official parking, there needs to be a designation of what is the Town's. Once Casella is done, the parking lot will be opened up. Relative to the Smith Block parking, Mr. Moore stated this was through the DRB process. They are working on the possibility of more off-street parking within ¼ mile. Bernie Carr stated the DRB did speak to the ¼-mile distance and referred to the Mobil Station and the area behind Mr. Carr's shop. Mr. Moore stated they are looking into other options as well. Mr. Buehler stated he is excited about this project, but hopes the Town has plans for the parking.

#### ***4a) Class 2 Highway Grant Application to Pave McConnell Road***

**Motion** by Doug Bailey/Seth Hopkins to approve the Class 2 Highway Grant application to pave McConnell with an estimated cost of \$295,000.00 and a completion date by FY2020. **The motion passed unanimously.**

Dave Atherton stated the Town is only required to match 20% for this grant that will be taken from the paving money approved in the budget. The culverts and re-ditching will be done in-house with the grant to be used for the shim and overlay. Mr. Ethier asked about paving Country Club Road. Mr. Atherton stated this was reviewed and the cost would be \$300,000.00 and would be all taxpayer money. Mr. Atherton advised there had previously been neglect on paving roads and the Town is trying to update the roads and once that is completed, they could possibly look at other roads. Mr. Atherton stated it is the intent to do the McConnell Road project this year, but

was unsure of the timeline, as it would be placed in the paving schedule. Brian Coolidge suggested the funding should go towards Town Farm Road. Seth Hopkins appreciated the Board's oversight, but noted the Public Works Manager is good at getting the best value for the Town and he would be inclined to support his recommendation.

#### ***4b) Annual Financial Plan for Town Highways – TA 60***

**Motion** by Doug Bailey/Tracy Wyman to approve the Town Highway Mileage Certificate. **The motion passed unanimously**

### **5. Transfer Station Issues**

Tracy Wyman recused himself from the Board for discussion of this item. Seth Hopkins advised there was a letter received from Earth Waste and Metal. Dave Atherton advised they want the Town to repair the building at the transfer station, put new scales in and plow, sand and salt at the facility. Due to changes in the world with recycling, they are proposing to charge for recycling and the State has indicated they are able to do so. They have submitted a new price sheet and in looking at this subject, Mr. Atherton advised the land is leased to the company and the rates are set by Earth Waste and Metal. There are some gray areas as to who owned what when the lease went in effect and the lease is vague as to what the Town is responsible for. Mr. Atherton stated they are asking the Town to spend a lot of money on a facility the Town does not run. Seth Hopkins noted they are requesting the Board waive the rent for 2019, replace the scale and office/shed. Mr. Atherton reported they have not paid rent to the Town since December and he has a letter ready to send to them concerning this subject. Tim Guiles stated everywhere is struggling with recycling. The benefits of recycling are not always measurable and it is important to find a way to keep a recycling option. Mr. Guiles would like to see the Board come up with a study and find a way to support them. His awareness is that they should be charging for recycling, as they are providing service and suggested the Board entertain their request and study it more thoroughly. Mr. Hopkins stated the Town does not have any influence as to how they operate. Mr. Atherton advised there are other companies that do not mind picking up the slack and noted there were other issues discussed with them a couple of years ago.

**Motion** Seth Hopkins/Doug Bailey to decline the waiver of the rent. **The motion passed.**

Doug Bailey reported he reviewed the Transfer agreement and the letter that talks about the building and heating of the building. Mr. Bailey stated the building was not discussed with the Select Board during the last conversation and is not in the contract. He thinks there is a gray area concerning the plowing. Mr. Bailey was offended the rent has not been paid for the infrastructure. They are inferring the Town would take care of the buildings, but the contract does not indicate that. Mr. Bailey thinks they are running the transfer station well, but are outside the contract. Lastly, regarding the fee structure, he agrees the market has changed dramatically and he does not have a problem with passing along fees. He somewhat agrees that the Town needs someone to run the transfer station, but he is offended with them holding the rent.

Dave Atherton stated their fees are out of the Town's control. The improvements made were due to the letter the Town sent them. He thinks the language, if the Town buys them a new scale and office that they will reinstate the rent, is offensive. Mr. Bailey stated this is unacceptable and they can come meet with the Select Board. Mr. Hopkins noted when they requested the five-year renewal and they did not request any changes. He does not want Town running the transfer station. It is convenient it is here and he felt it is an important service to provide, but it does not warrant further investment. Mr. Atherton noted some towns have businesses haul trash and recycling. Mr. Bailey suggested a meeting to discuss this with them and Mr. Atherton reported he had invited them to attend tonight's meeting. Mr. Atherton noted a letter has been prepared and reviewed by the Town's attorney regarding the rent. Mr. Guiles noted he is willing to support the motion and is glad to hear there are other alternatives for service for residents. Tim Guiles volunteered to be the liaison on behalf of the Board on this matter.

**Motion** by Brian Coolidge/Seth Hopkins to authorize the Town Manager to advise the operators that they are in violation of the terms of the contract. **The motion passed unanimously.**

**Motion** by Seth Hopkins/Doug Bailey to authorize Tim Guiles to be the Town's liaison on the transfer station. **The motion passed unanimously.**

## **6. Selling Town Owned Property Discussion**

Tim Guiles requested a discussion concerning the sale of town-owned property. Mr. Guiles suggested as a follow-up to a recent VLCT training about transparency that it might be helpful for the Town to have a policy on assets. When the Town is selling something of value people would be notified, which would provide a greater sense of openness in the process. Doug Bailey suggested the Town could place a notice concerning the properties that are town-owned that could be sold and he could see a benefit for a policy, however, for the sale of equipment, those items are often used as trade-ins and he is concerned with slowing down the replacement process. Dave Atherton advised it is financially more advantageous when the Town does trade-ins with equipment. As far as land, the Town cannot sell tax property for more than what is owed for taxes and a bid process would not work. Mr. Guiles stated in both cases, if someone had an interest in acquiring what the Town is selling; it seems it would be good to let people know. Mr. Atherton advised that for real estate sales, the 1061 Notice that is advertised is the way the public is notified. Mr., Atherton noted the Town is following the statute when selling land, with an offer coming to the Select Board for approval that is discussed in an open meeting. This also provides public notice for the sale. Mr. Atherton advised that currently there are less than 10 pieces of property that could now be available to sell. Seth Hopkins advised the public is welcome to review the tax maps with all Town lots designated in purple. Mr. Hopkins suggested that perhaps once a year the town land could be publicized in the town report. Mr. Guiles volunteered to draft a proposed policy for the Select Board to review at the next meeting. Mr. Bailey noted it should be for real estate property only. Mr. Hopkins stated he does not want to delay the purchasing process for the Town.

## **7. Approve Purchase and Sales Contract**

Dave Atherton advised this offer was already approved by the Select Board. Mr. Atherton will post the notices this week.

**Motion** by Doug Bailey/Tracy Wyman to approve the Purchase and Sales Contract for Parcel #22-51-32 as presented. **The motion passed unanimously.**

## **8. Land Lease Discussion**

Tracy Wyman recused himself from the Board for discussion of this item.

Dave Atherton reported that Wyman Frasier Lumber Mill has brought forward a lease agreement to lease a portion of the town forest on the south side of Duval Road for 187 acres, with a 20 years lease and a five-year extension. They agree to maintain the roadways. The Wymans own the only portion that is accessible and there has been no other interest in leasing this property. Doug Bailey stated he is familiar with this land and knows the land was given to the Town for the use of logging and recreation. Mr. Bailey noted the Wymans are the adjoining landowners and they have the private road that accesses this area. The area is used as a VAST trail and Mr. Wyman has worked with VAST in building bridges and it seems appropriate from Mr. Bailey's standpoint this lease agreement be approved. All other landowners are friends and acquaintances of the Wymans. He would like to ask the Town Manager's opinion on leasing. Dave Atherton stated the Town has the forest to generate income and he thinks that when not being logged, this would provide more funds and would be good for maintaining accessibility. He noted there are some logging bridges that are not in good shape. Tracy Wyman stated there are some current use issues and there are roads that are washing out that have not been properly maintained that they would take care of. The last timber sale was at least 15 years ago. There is one bridge that is a big liability issue. Mr. Atherton and Mr. Wyman discussed that there would be a forester involved in the process. Bill Moore asked whether the area could still be used for recreation uses, such as hiking or mountain biking and it was confirmed that would be possible. John Wyman stated the request for the longer lease is due to the amount of money that they would have to invest to fix the roads. Derek Larsen requested clarification of the town forest designation. Seth Hopkins advised the property was given to the Town by Ms. Farr. Generally, it is for conservation and provides some income for the Town. Mr. Larsen questioned if there is a management plan on record or any covenants in the deed. Tracy Wyman noted it was left to the Fire District, as they owned the Farr Estate. The property adjoins the Goshen/Chittenden Road and no one knows the proper right of way to get to this piece of property. Goshen and Chittenden town forests border it. Because taxes were going to have to be paid, the land was given to the towns. This land is not recreational worthy. There are trails for four-wheelers that run illegally without landowners' permission and it is used for hunting. There is a private road to get to it and there are 20+ landowners that have allowed the Town to access it. Most ATV's ride illegally as there should be landowner permission to cross property. Bill Moore asked if this land encompasses the Duval Trail. Mr. Wyman advised the Duval Trail is on the piece that went to Goshen. Tim Guiles stated he has understood that people are guaranteed access and he asked how townspeople could access it. Mr. Wyman advised that to be able to use that area as town recreation, there would have to be a parking area and the closet place to park would be the Forestdale School. Mr. Wyman reported there is a lot of garbage left by the ATVs. Mr. Wyman advised there will come a point where it can be maintained year round. Mr. Bailey noted the

Wymans do the upkeep already. Brent Buehler asked if the work is associated with the sugaring. Mr. Wyman stated they will work with a forester for tree removal relating to the sugaring and they would receive the stumpage rate and the Town would receive the funds for the timber. Seth Hopkins noted this is a responsible use of this resource.

**Motion** by Brian Coolidge/Doug Bailey to approve the Lease Agreement with Wyman-Frasier Lumber Mill, Inc. as presented. **The motion passed.**

## **9. Personnel Policy Revisions**

Dave Atherton advised a couple of revisions were made from the discussion at the last Select Board meeting. Mr. Atherton added some definitions for call-in and on-call, changes to the hours the office is open and the Sick Bank. Seth Hopkins stated it is the policy of the Board to maintain equitable labor relation policies for both non-union and union employees. The changes to the Personnel Policy are to get the policy in line with the other agreements.

**Motion** by Doug Bailey/Brian Coolidge to approve the Personnel Policy. **The motion passed unanimously.**

## **10. Fiscal**

### ***a) General Fund Warrant – April 8, 2019 - \$109,489.76***

**Motion** by Tracy Wyman/Brian Coolidge to approve the warrants of April 8, 2019 in the amount of \$109,489.76. **The motion passed unanimously.**

Doug Bailey requested clarification for the Odyssey of the Mind warrant. Bill Moore advised this is a pass-through charge for the Odyssey Team.

### ***b) Route 7 Construction Warrant – April 8, 2019 - \$46,196.93***

**Motion** by Brian Coolidge/Tracy Wyman to approve the Route 7 Construction warrant in the amount of \$46,196.93. **The motion passed unanimously.**

### ***c) Bridge 114 Warrant – April 8, 2019 - \$2,497.28***

**Motion** by Doug Bailey/Tracy Wyman to approve the Bridge 114 warrant in the amount of \$2,497.28. **The motion passed unanimously.**

The Board recessed at 8:44PM to convene as the Board of Liquor Commissioners.

The Board reconvened at 8:54PM.

**Motion** by Doug Bailey/Seth Hopkins to find that the premature general public knowledge of the negotiation strategies with the NEBPA will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

**Motion** by Doug Bailey/Tracy Wyman to enter into executive session at 8:56PM to discuss the current collective bargaining agreement with the NEBPA under the provisions of 1 V.S.A. 313(a)(1). **The motion passed unanimously.**

### **11. Executive Session**

**Motion** by Brian Coolidge/Doug Bailey to come out of executive session at 9:28PM. **The motion passed unanimously.**

**Motion** by Seth Hopkins/Doug Bailey that the negotiating team present a step schedule to the police union with properly calculated 2% steps and to make that retroactive to when they signed the contract, and, furthermore, applying the properly calculated CPI of 1.7%. **The motion passed unanimously.**

### **12. Adjournment**

**Motion** by Brian Coolidge/Doug Bailey to adjourn the Select Board meeting at 9:30PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary