

**Brandon Select Board Meeting
June 24, 2019**

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

Board Members In Attendance: Seth Hopkins, Brian Coolidge, Tim Guiles

Others In Attendance: Dave Atherton, Chris Brickell, Marietta Sheehan, Richard Baker, Sue Gage, Brent Buehler, Charles Powell, Ray Jobst, Sue Gage, Jackie Savela, Joe Jankoski, Tom Kilpeck

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

The Even Better Brandon Drawing was held and Ardenia Murdock was the winner of the \$50.00 in Brandon Green.

1. Call to order

Seth Hopkins advised this is a five-member Select Board and with only three board members present, all votes would have to be unanimous to carry.

a) Agenda Adoption – Motion by Tim Guiles/Brian Coolidge to adopt the agenda, as amended. **The motion passed unanimously.**

Add Item 4a – Set July Select Board Meeting Dates

Add Item 9a – Transfer Station Update

Add Item 9b - Wetland Reclassification

2. Approval of Minutes

a/b) Approval of Minutes – June 10, 2019 - Select Board Meeting

Motion by Brian Coolidge/Tim Guiles to approve the June 10, 2019 Select Board Meeting minutes. **The motion passed unanimously.**

3. Town Manager’s Report

Dave Atherton provided the following Town Manager’s report for the weeks of June 10th and June 17th.

Union Street Sidewalk:

Markowski was the low bidder on the sidewalk project. The Town will be signing a contract shortly for construction this year. They are planning to start in September.

Park Street:

The posting for the bid advertisement was done today with a bid opening scheduled for July 23rd at 1PM. There is a lot of interest from contractors to do this project.

Segment 6:

Week 2 look ahead:

- . Placement of topsoil and hydro-seeding various project locations.
- . Continued night and day construction activities within Segment “C” inclusive of installation of electrical conduit, installation of light pole bases, sidewalk preparations and placements, as well as curbing installation. A lot of curbing was done today.
- . Continued Segment “A” improvements to include water, sewer, drainage and roadway.
- . Continued improvements within High Street inclusive of water improvements.
- . Water fountains relocation preparation and placement within Central and Crescent Park locations.

Route 73:

Crews are scheduled to start to cold plane the roadway along portions of the Brandon section of the project on Friday, June 21st. The second pass of reclaim operations (pulverizing the roadway and adding calcium to the roadbed) is scheduled for Friday and Saturday this week and Monday through Wednesday next week. As a look ahead, the first layer of paving is tentatively scheduled to go down late June or early July.

Other Happenings:

The Town has been awarded the grant for the EVSE charging stations for the municipal parking lot.

Brian Coolidge questioned the status of the turning lanes. Mr. Atherton advised the lanes will not be put in until the lights are turned on. Mr. Coolidge noted he has received calls about the area around Franklin Street, as it was left in poor shape at the end of last week.

Charles Powell questioned the large hole in the street near the Town Hall. Mr. Atherton advised this used to be an exposed area that had arches and in the 1920s it was filled over with concrete. When they were working on the roadway, the bucket hit it and the concrete crumbled. The concrete base will need to be replaced and will be closed again. Mr. Powell asked if it affected

the foundation for the town office and Mr. Atherton reported they are not connected, and it did not affect the foundation.

Chris Brickell questioned if there can be changes to signage around the parking area. Dave Atherton advised there will be a new Traffic Ordinance developed at the end of the project. Chief Brickell sees a problem with cars coming out of the parking area and making a left-hand turn and suggested placing another sign on the other side of the road so that motorists see it. Mr. Atherton stated once the lights go back in place, there could potentially be a sign placed on the other side.

Brent Buehler questioned the additional cost to the budget to do the hole repair near the Town Hall. Mr. Atherton advised that this additional repair will be rolled into the Segment 6 project and the Town will only be responsible for 5% of the repair. Mr. Atherton noted the project is very close to being on schedule. Mr. Buehler questioned where the crosswalks will be between the bridge and the post office. Mr. Atherton stated one will be near the Erastus Thayer House. Bernie Carr noted there are now nice sidewalks along the street.

4. Public Comment and Participation

There was concern expressed about an RV on Old Basin Road that is parked at a residence with no electrical, sewer or water with a family residing there. There is also a trash issue and 7 or 8 unregistered vehicles on the property. It was noted the Code Officer was made aware of this issue. Tom Kilpeck, Rental Code Officer, has met with the owner and has also spoken with the Zoning Administrator. There was concern that a backhoe and truck are now barricading the trailer. Seth Hopkins noted the Rental Code Officer is dealing with the property owner and the process usually gives the property owner a reasonable amount of time to deal with a situation. Mr. Kilpeck visited the property owner last Thursday and a timeframe had not been given. It appears some of the garbage had been moved, but it is difficult to differentiate between household garbage and junk. Mr. Kilpeck noted other junk that is not food waste is less of a concern. Mr. Atherton stated there was a similar situation that the Town previously dealt with and noted when dealing with a homeowner who is unresponsive, it is a longer process and other authorities may need to be involved. Mr. Hopkins noted the Town will keep this situation on its radar with the Rental Code Officer responding and working with the landowner and the Zoning Administrator being made aware of the problem. It was noted that there can be three unregistered vehicles on a property without a violation. Mr. Hopkins stated the Town can investigate the number of unregistered vehicles on the property. Mr. Atherton stated the Town cannot make a landowner clean up their property. A landowner can be fined, but it could take several months to resolve if the landowner is taken to court. Mr. Kilpeck will visit the property owner again tomorrow. Mr. Hopkins summarized that the appropriate town officials will be in contact with the landowner and will advise the town manager of additional steps that need to be taken. An update will be provided at the next Select Board meeting. It was also noted the homeowner also has dogs that come into the road and bark at people. Mr. Hopkins recommended the Animal Control Officer be contacted regarding this issue.

Brian Coolidge noted Long Swamp looks excellent and thanked the Department of Public Works for the good job done.

4a. Set July Select Board Meeting Dates

Seth Hopkins noted there has been a request to move the July 22nd meeting to July 29th.

A motion by Tim Guiles and seconded by Brian Coolidge to change the July 22nd Select Board meeting to July 29th. **The motion passed unanimously.**

5. Appointments

a) Animal Control Officer

Chris Brickell stated in the absence of an Animal Control Officer enforcement can be done by the Town Police Department. Seth Hopkins stated anyone interested in this position can contact the Town Manager. It was noted there is a stipend for this position.

b) BLSG Insect Control District Rep-remainder of 1-year term (reappoint in March)

Motion by Brian Coolidge/Tim Guiles to appoint Art Doty as a Representative to the BLSG Insect Control District for a 1-year term. **The motion passed unanimously.**

c) Fire Warden (5-year term ending June 30, 2024)

Motion by Tim Guiles/Brian Coolidge to appoint Linwood Bove as the Fire Warden for a 5-year term ending June 30, 2024. **The motion passed unanimously.**

d) Deputy Fire Warden (5-year term ending June 30, 2024)

Motion by Tim Guiles/Brian Coolidge to appoint Mike Markowski as the Deputy Fire Warden for a 5-year term ending June 30, 2024. **The motion passed unanimously.**

e) Development Review Board -2 seats (3-year term ending June 30, 2022)

Motion by Tim Guiles/Brian Coolidge to appoint Tom Bohler and John Peterson as Representatives to the Development Review Board for a 3-year term ending June 30, 2022. **The motion passed unanimously.**

f) Planning Commission -2 seats (3-year term ending June 30, 2022)

Motion by Tim Guiles/Brian Coolidge to appoint Ethan Nelson and Lowell Rasmussen as Representatives to the Planning Commission for a 3-year term ending June 30, 2022. **The motion passed unanimously.**

g) Revolving Loan Fund Committee - 2 seats (3-year term ending June 30, 2022)

Motion by Tim Guiles/Brian Coolidge to appoint Stephanie Jerome and Karen Lynch as Representatives to the Revolving Loan Fund Committee for a 3-year term ending June 30, 2022. **The motion passed unanimously.**

h) Rutland Region Transportation Council Rep (1-year term ending June 30, 2020)

Motion by Tim Guiles/Seth Hopkins to appoint Richard Baker as Brandon's Representative to the Rutland Regional Transportation Council.

Tim Guiles asked Mr. Baker and Mr. Atherton if they were interested in serving on this Committee. Richard Baker noted he has served on this committee for 25 years.

The motion failed.

Motion by Brian Coolidge/Tim Guiles to appoint Dave Atherton as Brandon's Representative to the Rutland Regional Transportation Council for a 1-year term ending June 30, 2020. **The motion passed unanimously.**

i) Rutland Region Transportation Council Alt (1-year term ending June 30, 2020)

Motion by Tim Guiles/Brian Coolidge to appoint Richard Baker as Brandon's Alternate to the Rutland Regional Transportation Council for a 1-year term ending June 30, 2020. **The motion passed unanimously.**

j) Rutland Regional Planning Commission Rep (1-year term ending June 30, 2020) – Michael Shank

Motion by Tim Guiles/Brian Coolidge to appoint Michael Shank as Brandon's Representative to the Rutland Regional Planning Commission for a 1-year term ending June 30, 2020. **The motion passed unanimously.**

k) Rutland Regional Planning Commission Alt (1-year term ending June 30, 2020) – David Atherton

Motion by Tim Guiles/Brian Coolidge to appoint David Atherton as Brandon's Alternate to the Rutland Regional Planning Commission for a 1-year term ending June 30, 2020. **The motion passed unanimously.**

Dave Atherton noted there are still positions for alternates open for most of the Committees. Alternates are invited to attend meetings and would vote if there is absence of a quorum. Anyone interested in these positions can contact the Town Manager.

6. Financial Management Questionnaire

Sue Gage, Town Treasurer, stated this item is statutorily required and came about when there were town treasurers who were misusing town funds and there were some missing controls. This

Town did not have an issue, but there is the requirement to complete and record the questionnaire annually and have it available for the auditors. Tim Guiles asked which board members have not attended financial trainings. Ms. Gage did not have a definitive answer, however, Mr. Atherton noted that training is done by the VLCT every year and it provides the opportunity for board members to do training. Mr. Guiles requested a list of the board members who do not have financial training; noting that this is an item worth paying attention to.

7. Late Homestead Penalty

Seth Hopkins stated past practice is that the Town has assessed the late homestead penalty.

Motion by Brian Coolidge/Seth Hopkins to approve the Late Homestead Penalty in accordance with 32 V.S.A. 5410.

Tim Guiles asked if it is a rare situation when this is assessed. Sue Gage stated this is a statutory requirement and is assessed when people do not file their taxes by April 15th. When people file their taxes late, the Town must do a new tax bill. Ms. Gage felt that it penalizes people that have more difficult tax returns and some of the elderly people who do not file taxes but are supposed to file a homestead document. Ms. Gage stated the penalty is embedded in the software. If people file taxes after October 15th, they are assessed the penalty but do not receive the Homestead benefit. The penalty encourages people to file early and assists in recouping the cost for generating a new tax bill. The penalty equates to 3% of the education tax.

The motion failed.

8. Tax Anticipation Note

Sue Gage reported she received information from Community Bank, Bar Harbor Bank and National Bank of Middlebury. Ms. Gage noted the Town is not in a crunch for cash and as this construction project winds down, she is leaning on the conservative side. Ms. Gage recommended the National Bank of Middlebury that had the best interest rate.

Motion by Tim Guiles/Brian Coolidge to approve the tax anticipation note with National Bank of Middlebury in the amount of \$500,000.00 at a rate of 2.29%. **The motion passed unanimously.**

9. Assignment of Funds

Jackie Savela advised there were three assignments from the 2018/2019 funds for the Select Board's consideration in accordance with the Fund Balance Policy. The Restricted Funds that include Records Preservation, Highway Funds-Budgeted/Unspent, Prepaid Expenses, Recreation Donation and Brandon Ski Club Donation did not require Board action.

Seth Hopkins did not recall previously encumbering a salary because the Town would have already funded what is authorized for positions and the encumbrances are usually for equipment or a program. Chris Brickell stated this was unspent funds due to a vacancy. The Town has two

part-time officers and with the funding one officer could be brought in as full-time after training and the other officer could go through training as a school resource officer, which would be funded through the school district. The Police Department is allocated for 7 officers and currently have 6 full-time officers.

Motion by Brian Coolidge/Seth Hopkins to assign the FY2018/2019 funds in the amount of \$75,000.00 for a full-time police officer. **The motion passed unanimously.**

Motion by Tim Guiles/Brian Coolidge to assign the FY2018/2019 funds in the amount of \$10,00.00 for clerk vault upgrades. **The motion passed unanimously.**

Motion by Brian Coolidge/Tim Guiles to assign the FY2018/2019 funds in the amount of \$4,975.00 for Recreation (football). **The motion passed unanimously.**

9a. Transfer Station Update

Tim Guiles reported contract discussions are continuing for the transfer station. The cost of recycling continues to be a challenge and the Town is moving towards reducing the rent to subsidize the recycling. Mr. Guiles and Doug Bailey have been working on this subject and they have been in conversations with the Public Works Director and Town Manager. Mr. Guiles stated there is a solid middle ground and it does not appear to be a contentious situation. Mr. Guiles advised there is discussion of changing the contract to a yearly basis.

9b. Wetland Reclassification

Tim Guiles reported he has been attending the meetings and it is moving along in an orderly fashion. There are two upcoming public meetings on the reclassification with the first meeting to be held tomorrow evening at the Cornwall Town Hall from 6:30 to 7:30PM and the second will be at the Salisbury Congregational Church from 6:30 to 7:30PM on June 27th. The subject of the meeting will be about the reclassification of the swamp area from a Class 2 to a Class 1 to protect it from development. Dave Atherton advised that he has been contacted by several people who are not pleased and do not understand why this is being considered. Mr. Atherton questioned whether there will be local jurisdiction on this reclassification. Tim Guiles stated there is no local body that has the authority to change a classification. A petition can be submitted to the State and once it is processed, there are meetings for public input, followed by a decision by the elected representatives. Mr. Guiles noted the Select Board could vote to not change the classification; however, it would be a voice in the public forum, but the Select Board's vote could not change the outcome. Mr. Guiles stated a lot is balancing public and private interest and in the public forum protecting the wetlands will outweigh the interest of the private landowner. Mr. Atherton noted many regulations are already in place with the River Corridor and Flood Plain requirements, and from what he is hearing this is one more restriction and landowners are not happy about it. Mr. Atherton hopes the legislative body listens to people before deciding.

10. Fiscal

a) Consider Purchase of FY 2019/2020 Propane

Motion by Tim Guiles/Brian Coolidge to approve the purchase of propane from Fyles Brothers in the amount of \$1.30 per gallon for FY 2019-2020. **The motion passed unanimously.**

b) Consider Purchase of FY 2019/2020 Diesel Fuel, Heating Fuel and Gasoline

Motion by Brian Coolidge/Tim Guiles to approve the purchase of #2 fuel oil and off-road diesel fuel at Montreal rack price plus 25 cents per gallon (with a cap of \$2.20) and gasoline at the Montreal Rack price plus 25 cents per gallon for FY 2019-2020 from Champlain Valley Fuels. **The motion passed unanimously.**

c) General Fund Warrant – June 24, 2019 - \$39,226.50

Motion by Brian Coolidge/Tim Guiles to approve the warrants of June 24, 2019 in the amount of \$39,226.50. **The motion passed unanimously.**

d) Route 7 Construction Warrant – June 24, 2019 - \$650,289.65

Motion by Brian Coolidge/Tim Guiles to approve the Route 7 Construction warrant in the amount of \$650,289.65. **The motion passed unanimously.**

e) Bridge 114 Warrant – June 24, 2019 - \$9,732.40

Motion by Brian Coolidge/Tim Guiles to approve the Bridge 114 warrant in the amount of \$9,732.40. **The motion passed unanimously.**

It was suggested to postpone the Sewer Commissioner meeting to a subsequent meeting.

The Select Board recessed at 8:00PM.

The Select Board reconvened at 8:13PM.

Motion by Brian Coolidge/Tim Guiles to enter executive session at 8:13PM in accordance with 1 VSA 313(a) (3) – the appointment or employment or evaluation of a public officer or employee. **The motion passed unanimously.**

11. Executive Session

The Select Board came out of executive session at 8:51PM. There was no action required.

13. Adjournment

Motion by Brian Coolidge/Seth Hopkins to adjourn the Select Board meeting at 8:52PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary