

**Brandon Select Board Meeting
August 26, 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, Doug Bailey, Tracy Wyman

Others In Attendance: Dave Atherton, Mike Frankiewicz, Brent Buehler, Michael Shank, Russell Jones, Bill Moore, Marietta Sheehan, Joseph Jankosky, Richard Kirby, Ray Jobst, Dale Knapp, Butch Shaw, Steve Bisette, Tom McLaughlin, Charles Powell, Lindsey Berk, Chris Brickell

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

1. Call to order

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

2. Approval of Minutes

a) August 12, 2019 – Select Board Meeting

Motion by Doug Bailey/Tim Guiles to approve the August 12, 2019 Select Board Meeting minutes. **The motion passed unanimously.**

b) August 20, 2019 – Special Select Board Meeting

Motion by Tracy Wyman/Doug Bailey to approve the August 20, 2019 Select Board Meeting minutes, as amended. **The motion passed unanimously.**

Mr. Wyman wished to clarify that in the Transfer Station discussion, where it states Tracy Wyman should be corrected to note Wyman Timber.

3. Town Manager's Report

Dave Atherton provided a report for the weeks of August 12th and August 19th.

Segment 6 Two-Week "Look Ahead":

- . Imprinted crosswalks and traffic islands within Segment 'E' near the Crescent Park.
- . Initial pavement markings from generally Jiffy Mart South.

- . Fountains' improvements Crescent Park and Central Park along with adjacent brick and masonry pavers.
- . Continued driveway apron paving.
- . Topsoil and seed areas adjacent to finished drives and various locations.
- . Setting of precast concrete section upon retaining wall adjacent to Briggs Lane.
- . Installation of curbs and sidewalks within Segment 'A', generally from the Fire Station North, Segment 'B/C', (Mae's and Brandon House of Pizza area), Bar Harbor Bank corner, Segment 'A' and various intermittent locations.
- . Continued installation of the retaining wall in front of Brandon House of Pizza.
- . Installation of water and sewer mains and services along with stormwater drainage within Segment 'A'.
- . Roadway box cut and material placement within Segment 'A' for continued paving preparation.
- . Installation of retaining wall adjacent to Franklin Street, (High St. North)

Route 73:

Paving of the intermediate course of asphalt is scheduled to continue in Brandon. Paving operations are dependent on weather and surface conditions, and therefore the schedule may be altered slightly at times. Temporary line striping will follow paving operations. Ledge removal will commence after paving at this location has been completed, and is currently scheduled for Monday, 8/26. The schedule for ledge removal is dependent on the paving schedule. Ledge removal is located at the outcropping approximately .25 miles west of the mobile home park. Crews will continue with ditch work, clean up and stone fill in Goshen. This work will be ongoing. Drainage work will take place near the golf course next week. Guardrail installation will continue in Goshen next week.

School begins on Wednesday, 8/28/19. Parents, students, and motorists are urged to allow extra time in their travel plans as construction operations and the increased traffic to and from school may create longer than normal delay.

Other Happenings:

The Town applied for a grant with the Lake Champlain Basin Program for stormwater mitigation. This will fund work that was addressed in the Stormwater Masterplan. It is hoped to get two projects done. No matching funds are required.

The Class 1 paving project has been moved to Spring 2021.

Ray Jobst stated progress is looking good and it will be a great thing when it is finished.

Brent Buehler advised their property is being surveyed and asked if all the pins along Route 7 are being replaced. Dave Atherton advised if there were pins in place in 2005 when the project

began, they will be replaced and reset. There might have been some lost in the flooding, but most will be reset.

Charles Powell read the following statement: *“I’m reading this statement so that I can verify that it is recorded in the town minutes exactly as I have stated. I’ve heard from several sources that a town employee who was instrumental to the Route 7 project has resigned after being paid \$20,000.00 for services he has not rendered. Will you address this in open session? These rumors either need to be put to rest, or, if they’re true, the gravity of the situation is appropriate to open session since it involves townspeople’s money and the town itself.”*

Seth Hopkins advised Daryl Burlett has resigned and the Town has met all legal obligations. The Town appreciates all his hard work as Director of Public Works and additional public statements will be made soon. Charles Powell questioned why the Town cannot comment on this issue, as he specifically had left out the name of the individual to address this in open session. Mr. Hopkins advised he will confirm the information and will be transparent with the voters. The Select Board expects to have further information soon. Mr. Powell wanted to hear comment on the \$20,000.00 for services that were not rendered and advised that he will not let this go until a satisfactory answer is received. Mr. Hopkins advised the Select Board had no comment at that time and will continue to research this issue until they receive an answer.

4. Public Comment and Participation

Tracy Wyman wished to have it reflected in the minutes that during the August 20th Select Board meeting, he recused himself and left the room during the open session but participated in the executive session.

Seth Hopkins advised that all meetings of the Select Board are for the Board’s discussion, however, the public is afforded reasonable comments as long as order is maintained. Comments are to be addressed to the Chair and the public must be acknowledged by the Chair. Mr. Hopkins opened the meeting for comments from the public.

Joseph Jankosky requested an update on the Old Basin Road issue. Dave Atherton reported the health officer indicated the zoning administrator’s letter was returned undeliverable. The family in camper will be moving out in the next few weeks. It was noted they have a compost toilet in the camper. They were asked to clean up garbage. The zoning administrator and health officer have been following up on this issue. Marietta Sheehan stated there has been conflicting information and noted nothing has been verified. Mr. Atherton stated the Town can only do so much legally and the appropriate officials are following up on the people living in the RV and have been following up with Mr. Frasier. The next step will be to have the Police Department hand-deliver the letter as soon as they can. The Town is acting according to State statute. Seth Hopkins stated the town health officer is checking what is proper. Ms. Sheehan noted she had a conversation with the zoning administrator and health officer about verifying the information they are being provided. Mr. Hopkins stated the Board can expect to hear from the health officer concerning his follow-up on this issue and noted the appropriate Town employees are acting on the process. Ms. Sheehan asked if the Town is still advising abutting landowners if a mobile home is being replaced. Mr. Atherton stated if the mobile home is the same size, no additional

bedrooms are being added and there is no new pad being poured, there would not be notification. If changes are made, there would be notification of a change in use and any disagreement in the change would be a DRB issue.

Bill Moore reported the first Brandon Rock Festival featuring new singers will take place this Friday at Estabrook Park and on Saturday, there will be four youth bands performing.

5. Town Farm Road Signage

Dave Atherton advised there have been complaints about the trucks from people on the paved side of Town Farm Road. It has been an ongoing situation with the truck traffic at the gravel pits regarding the best route to travel. The shortest distance to Route 7 is taking the dirt portion of the road. There previously was a complaint concerning the speed of the trucks on the dirt road. Mr. Atherton suggested a solution could be to lower the speed limit. The current situation is not working and is affecting more homes. Tracy Wyman stated one thing brought up was the safety issue of the trucks and advised that from Leicester to the gravel pit on the dirt portion of the road there are 17 houses, however, to get to Route 53 on the paved portion there are 30 or 32 homes. There is also added traffic at the post office and Mr. Wyman thought it is a larger safety hazard than for trucks to travel on the dirt portion of the road. It was noted the Highway Foreman would rather grade the dirt road more often than repair the paved roads. Mr. Atherton suggested reducing the speed limit to 25mph. Chief Brickell confirmed this would require a traffic study and Mr. Atherton advised the RRPC could do the study. Doug Bailey noted trucks have been going in and out of the three gravel pits for a long time, however, there has been increased use with the Route 7 and Route 73 projects. Mr. Wyman noted once these projects are completed, it will be business as usual. Mr. Atherton stated in looking at the best interest of the Town, the shortest distance is on Town Farm Road, with no trucks on Richmond Road and Wheeler Road, with reducing the speed to 25mph and having enforcement in the area. Mr. Hopkins would like the Board to move to some type of stability and would like to arrive at a solution. There have been conflicting recommendations and if the Board is going to move the traffic back to the dirt portion of the road, there needs to be support to the Highway Foreman when requests are made for grader material and labor. Tom McLaughlin stated the dirt road traffic does not compare to the pavement traffic from the Segment 6 and Route 73 projects and noted concern that the pavement on Town Farm Road is going to be a disaster from the projects. Mr. Atherton advised the road has been reviewed and it is on the Town's radar to do culvert and ditching once the projects are completed. Dale Knapp stated 95% of the loads from the gravel pits go North for the company that he works for. He advised that sending the trucks on the pavement portion of the road burns more fuel, takes longer time and requires the trucks to go through the bridges. He noted the road is not very wide and there are a lot more pedestrians and bicycles on the paved portion.

Motion by Tracy Wyman/Doug Bailey to remove the "No Thru Truck" signs from the dirt portion of Town Farm Road and take the necessary steps to reduce the speed to 25mph. **The motion passed unanimously.**

Seth Hopkins confirmed the Town Manager will arrange a traffic study. Dave Atherton also noted that the Police Chief and he are discussing other areas in Town that will require a new

Traffic Policy due to changes with stop signs and intersections once the Segment 6 project is completed. Mr. Hopkins suggested the Town Manager schedule a workshop for the Select Board to develop this document.

6. TA-65 – Approval for Paving

Dave Atherton advised this item is the McConnell Road/Smalley Road Paving Class 2 Highway grant that the Town is looking for Board approval. Mr. Atherton reported there is still some paving money remaining. It was noted the total project cost to date is \$253,440.90, with \$175,000.00 awarded from the State.

Motion by Doug Bailey/Brian Coolidge to authorize the signing of the Request for Reimbursement in the amount of \$175,000.00 for McConnell Road. **The motion passed unanimously.**

Dave Atherton advised it costs roughly \$80,000.00 per mile.

7. Fiscal

a) Warrant – August 26, 2019 - \$1,335,896.97

Motion by Brian Coolidge/Tracy Wyman to approve the August 26, 2019 warrant in the amount of \$1,335,896.97. **The motion passed unanimously.**

Dave Atherton reported \$960,000.00 of the warrant was for school tax and \$253,000.00 related Agenda Item 6.

b) Route 7 Construction Warrant – August 26, 2019 - \$734,677.32

Motion by Doug Bailey/Brian Coolidge to approve the August 26, 2019 Route 7 Construction warrant in the amount of \$734,677.32. **The motion passed with one abstention – Tracy Wyman.**

c) Bridge 114 Warrant - August 26, 2019 - \$12,823.08

Motion by Tracy Wyman/Brian Coolidge to approve the August 26, 2019 Bridge 114 warrant in the amount of \$12,823.08. **The motion passed unanimously.**

The Select Board recessed at 7:41PM.

The Select Board reconvened at 7:54PM.

Motion by Tracy Wyman/Brian Coolidge to enter executive session at 7:55PM in accordance with 1 VSA 313(a) (3) - Appointment or employment or evaluation of a public officer or employee with the session to include the Town Manager. **The motion passed unanimously.**

7. Executive Session

The Select Board came out of executive session at 9:18PM.

Motion by Seth Hopkins/Brian Coolidge to appoint Dave Atherton as the Project Manager for the balance of the Segment 6 project (pending VTrans confirmation) and that he will be reimbursed for his services per VTrans authorization. **The motion passed – 3 to 2 with Doug Bailey and Tim Guiles voting “No”.**

Motion by Seth Hopkins/Doug Bailey to authorize the Board Chair to draft a statement to the public concerning Daryl Burlett’s resignation; forwarding the statement to the Select Board and Town’s attorney for review and approval prior to releasing it to the public on Tuesday, August 27, 2019. **The motion passed unanimously.**

8. Adjournment

Motion by Brian Coolidge/Seth Hopkins to adjourn the Select Board meeting at 9:26PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary