

**Brandon Select Board Meeting
July 29, 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

Others In Attendance: Dave Atherton, Steve Bissette, Marietta Sheehan, Jeff Biasuzzi, Ray Jobst, Bernie Carr, Mike Frankiewicz, Brent Buehler, Dick Kirby, Chris Brickell, Joe Jankosky, Lindsey Berk, Kevin Kareckas, Michael Shank, Roland Fay

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

The 24th EVEN Better Brandon drawing was held and Chris Greco won \$50.00 in Brandon Bucks.

1. Call to order

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

Addition of Executive Session in accordance with 1 VSA 313(a) (1) – relating to contracts.

2. Approval of Minutes

a/b) Approval of Minutes – July 8, 2019 - Select Board Meeting

Motion by Brian Coolidge/Tim Guiles to approve the July 8, 2019 Select Board Meeting minutes. **The motion passed with one abstention – Doug Bailey.**

3. Town Manager’s Report

Dave Atherton provided a report for the weeks of July 8th, 15th and 22nd.

Park Street:

Markowski Excavating was the apparent low bid at \$1,327,216.36. The project will be completed in Spring 2020.

Segment 6 Two-Week “Look Ahead”:

- . Continued roadway box cut and materials placement within US Rte. 7, Segment 'A' – High Street extending to the North.
- . Week of August 5th, base paving within the above referenced Segment 'A' area.

- . Installation of sewer and water improvements beginning at approximately the Monument area
 - extending South within US Rte. 7 to approximately 43 Franklin Street.
- . Continued installation of sidewalks and other improvements within Segment 'C', the downtown area. To be a combination of night and day work.
- . Continued plantings of trees and landscape features project wide.
- . Adjustment of stormwater and other structures elevations in preparation of final paving.
- . Fountains' completion for operational status.

Route 73:

Base layer of paving along the Brandon portion of the project is scheduled to begin mid-week next week, weather permitting. Paving operations will begin at the Brandon/Goshen town line and progress west toward the junction of Routes 73 and 53.

Other Happenings:

McConnell Road culvert, ditch and wheel rut repairs will continue for the next few weeks. We are looking at paving mid-August.

Met with Glen at ChargePoint to discuss the installation of the vehicle charging station. We are tentatively scheduling the installation for April of 2020.

We completed another property buyout on Newton Road through FEMA/Hazard Mitigation. I will be preparing a bid this week for demolition of the two properties we have acquired.

Rec Dept. News:

The Brandon Rec Hosted the VT State Cornhole Tournament as a partnership with the Downtown Brandon Alliance and the Brandon Forest Dale Lion Club on July 20th! A hot day still netted us dozens of teams with many folks already planning on visiting the host site Brandon Inn in 2020.

Awesome Afternoons, our summer SOAR companion program is in its final week. We have averaged 25 kids per session at this Branbury Beach hosted day enrichment camp. Camp director, Colleen Wright along with counselors Caitlin Sulik, Christina Currid, Evan Diaz and Olivia White worked hard to make sure that the kids had a fun and safe time.

The Youthworks volunteers have painted their way through Brandon this summer over the last 6 weeks. Their work on behalf of Brandon is always a big boost to Brandon and this year they were kind enough to help augment the already fabulous "Music at the Riverbend" with free community meals in July. If you know of any projects (public or for those in need in our

community) with which they can help, please contact me so we can start planning the summer of 2020! Seth Hopkins noted the Youthworks volunteers have done painting projects throughout the Town such as the deck at Kennedy Park, the pavilion at Estabrook Park and the town hall basement areas.

Swimming Lessons with Jake Jacobs at the Brandon Inn July session begins this week. 36 kids are learning how to be safe and comfortable in the water. Huge thank you's to the Brandon Inn (for hosting) and our fitness/aquatics commissioner, Sue Danforth for all her hard work with both the June and July sessions.

Summer is not quite over yet and neither are the Brandon Rec Camps. The following camps will happen in the first 3 weeks of August: Cheer Camp (5th – 9th), Pre-Season Football Camp (5th – 7th), Renegade Wrestling Camp (12th - 14th) Pre-Season Soccer Camp (14th – 16th).

Fall is on the way. Next report will detail fall offerings including the just announced Estabrook Music Fest, Kids Idol-Brandon Style and the Volunteer Appreciation on Labor Day Weekend! PLUS FALL SPORTS!

Brian Coolidge noted concern there is grass growing between the bricks in the park. Dave Atherton will speak to the contractor about this issue.

Seth Hopkins had a question from a resident about who is responsible for the new trees when observing the trees need 5 to 10 gallons of water per day. Bernie Carr reported the trees are the responsibility of the subcontractor, Mr. Lowell. Mr. Carr was advised that water bags will be placed on the trees to assist with the watering during the summer weather. Mr. Carr advised the trees have an extended warranty and the Public Works Director will keep an eye on them. Doug Bailey noted that he has received comments from residents about how good the Casella workers have been with assisting people in traveling around the downtown. Brent Buehler asked if there will also be something done with the grass, as there appears to be a lot of weeds. Mr. Carr advised that due to the massive storms after the seeding had been completed, it caused issues with the grass. The contractor will be redoing some of the areas. Mr. Hopkins noted a couple of residents in the downtown have expressed the same concern. Mr. Buehler questioned where the staging area will be located for the Park Street project. Mr. Atherton advised that it has not been determined at this time, however the Town has the Wheeler Road lot that is close to the site and could be a potential area. It was questioned when the Estabrook Music Festival will be held, and it was recommended to contact Bill Moore for details. Steve Bissette questioned who is responsible for the upkeep of the new grass areas and Mr. Atherton advised that it is the property of the residents that live in the area.

4. Zoning Administrator's Report

Jeff Biasuzzi reported the Town has seen the normal permitting activity to the end of July as has been received in the past. There were 4 single-family residential housing permits in the past 6 months, noting that some other towns have had none. The commercial projects have been busy with 13 permits. Mr. Biasuzzi noted some permit updates include the request by Elemental Partners to amend their Planned Unit Development permit to a nine-lot subdivision, which has been approved by the DRB. This will now need to go through Act 250. Regarding the

Walgreen's signage issue, they cannot advertise as Rite-Aid after July and the preferred sign will not conform with the new Sign ordinance. After several conversations, Walgreen's did agree to conform with the zoning, with one unapproved sign design. There is currently one tall pedestal sign and one shorter pedestal sign that do not meet with Sign ordinance criterion of no higher than 10 feet. They have asked for approval of a temporary sign and will get the permanent signs for the building up as soon as possible and redesign one pedestal sign to conform with the zoning ordinance. Naylor and Breen have submitted a permit for 24 private parking spaces to the side of Mill Street and the river to service the tenants in the Smith Block building. An engineering firm completed the application, and in the review of the application it was determined to be incomplete, as they have not provided approvals from the Wetland Department. Mr. Atherton advised the road that goes behind the Smith Block is a Class 4 and it had been previously brought before the Board to not do winter maintenance. Mr. Biasuzzi stated the building is being prepared to be rented and Naylor and Breen are working to get the parking for the building. Mr. Biasuzzi advised the lot is in a flood plain, but because the vehicles can be moved, it conforms to the zoning and flood plain regulations and will serve as a private parking lot. Mr. Biasuzzi does not expect any red flags, but it was not noted whether it would be an illuminated parking lot or asking the Town for maintenance.

Mr. Biasuzzi noted each permit submitted requires all abutters be locally noticed and advised this takes a lot of time to process. Mr. Biasuzzi suggested amending the zoning ordinance to have the burden of notice on the individuals submitting the permit and adding regular Notice of Permits to the Town's website. He noted many towns place the burden of notice on the applicants. Mr. Hopkins questioned whether the suggestion would be brought before the Planning Commission. Mr. Biasuzzi has discussed this with the Town Manager and will propose it to the Planning Commission for consideration.

Mr. Biasuzzi advised the Planning Commission has focused on adopting an enhanced energy plan and has referred the document to the Select Board for their review and hearings. The Planning Commission intends to work on the River Corridor matter and update the flood hazard regulations before the end of the year. Mr. Biasuzzi noted three zoning violation updates in his report and advised the individuals named will be receiving letters of violation from the Zoning Administrator. There is a history to all the violations, and he has received inquiries from some of the neighbors interested in results. Mr. Biasuzzi advised the Board has received a separate report on the Spring Zoning and Planning forum held by the VLCT. A legislative review was done, and the three legislations postponed to the next session include the increase in minimum wage, the Marijuana legislation and the Act 250 changes.

Seth Hopkins asked if the resident of 31 Franklin Street has had a discussion with the Zoning Administrator. Mr. Biasuzzi reported there was a discussion and the meeting ended with all questions answered. Doug Bailey noted appreciation for the detailed report and for the work in dealing with the zoning violations. Mr. Biasuzzi noted Tom Kilpeck deserves a lot of credit as there has been a lot of time spent on the violations. Mr. Bailey appreciated the work that is done and realizes this is an unpleasant part of the job.

It was questioned where the RV waste is going relating to the RV on Old Basin Road. Mr. Biasuzzi stated there is no discharge of waste from the RV and the occupants are using the house as a regular staging area. They do not have working water or sewer and the individuals staying in

the RV have been guests of the property owner and have been using the house. The front yard seems to have some improvement and Mr. Biasuzzi did not see any garbage in the yard. It was noted there are seven vehicles on the property. Mr. Biasuzzi advised only those that are not registered fall under the regulations and currently there are three unregistered.

Roland Fay suggested he would like to see the Fay Road reclassified to a “Foot and Horseback” with a 32 right of way. He noted the Town would have nothing to do with it, but it would be a town-width highway so that people along that road could bring it to Class 3 standards. Seth Hopkins stated the Fay Road was pent in 1991 or 1992 and was pent at the request of the landowner at the time. Mr. Fay advised Goshen made it a town road, but Brandon did not, and he felt the road should be as he previously noted and extend it to the old Churchill property. Mr. Atherton stated Mr. Rickson had requested the road be a pent road and there has been discussion through the years, and he has indicated that he wants it to remain as is.

5. Public Comment and Participation

Joe Jankosky questioned the next step for the Old Brandon Road issue. Jeff Biasuzzi advised the Town has sent notices of violation out and has received one notice back from the post office. Mr. Biasuzzi has spoken with the Brandon Police Chief about delivering the notice of violation when the residents are home. Once the certified letter is signed for, the resident has 7 days to correct the issue or 15 days to go through a hearing with the DRB, with the DRB then having 45 days to render a decision. Mr. Biasuzzi noted there is no wastewater violation the State can enforce. Dave Atherton stated there has been some improvement regarding this issue and they are trying to rectify the situation and felt the process will likely work better than issuing a ticket or involving the environmental court. Mr. Biasuzzi has asked the neighbors if there have been other issues the Town is not aware of and received no other comments. Mr. Atherton advised if the RV becomes permanent, it becomes taxable and the wastewater division would be contacted. Mr. Hopkins appreciated the situation and suggested the Health Officer and Zoning Administrator would be the contacts at the Town to communicate with. Brent Buehler questioned the discussion of the property at the bottom of Mill Road as there had been a grant application to build at park in that area. Mr. Atherton advised that is the Blake property, which is a different property from the previous discussion. Mr. Atherton advised the DBA has applied for a grant for that area.

6. Energy Committee Vacancy

Seth Hopkins advised that Mrs. Smith at the Town Office has requested the Select Board retain the copies of the Energy Plan, as prepared by the Energy Committee, that was supplied to the Board members for the August 26th and September 23rd Select Board public hearings.

Michael Shank, Chair of the Energy Committee, advised there is a vacancy on the Committee and suggested the possibility of a high school student representative to the Committee. Mr. Shank suggested the selection process could include a submission from the students indicating their interest in serving on the Committee with the top 3 to 5 submissions being forwarded to the Select Board for choosing the representative. Seth Hopkins was not in support of the idea, noting concern of the qualifications of a student representative. Mr. Hopkins would encourage high

school students to apply for the seat, but he would not restrict the vacancy for just students. Mr. Bailey noted there could potentially be a slot filled by a resident interested in serving on the Committee. Mr. Shank stated the aim of having a high school student representative is to get students interested early and another town in Vermont had included a student rep on their Committee with success. Mr. Hopkins suggested advertising a broad opening for the vacancy on the Energy Committee. Mr. Atherton will advertise for the vacancy on the Energy Committee. Mr. Hopkins thanked Mr. Shank for all the work the Energy Committee has done and encouraged anyone interested in serving on the Energy Committee to contact the Town Manager. It was suggested to also post the opening on Front Porch Forum and the Town's website.

7. Fiscal

a) Warrant FY 2018/2019 – July 29, 2019 - \$53,322.35

Motion by Doug Bailey/Brian Coolidge to approve the July 29, 2019 FY 2018/2019 warrant in the amount of \$53,322.35. **The motion passed unanimously.**

b) Warrant FY 2019/2020 – July 29, 2019 - \$219,491.65

Motion by Brian Coolidge/Doug Bailey to approve the July 29, 2019 FY 2019/2020 warrant in the amount of \$219,491.65. **The motion passed unanimously.**

d) Route 7 Construction Warrant – July 29, 2019 - \$1,091,402.63

Motion by Brian Coolidge/Seth Hopkins to table the Route 7 Construction warrant in the amount of \$1,091,402.63. **The motion passed unanimously.**

e) Bridge 114 Warrant – July 29, 2019 - \$103,963.54

Motion by Brian Coolidge/Doug Bailey to approve the Bridge 114 warrant in the amount of \$103,963.54. **The motion passed unanimously.**

The Select Board recessed at 8:05PM.

The Select Board reconvened at 8:15PM.

Motion by Tim Guiles/Seth Hopkins to find that premature general public knowledge of the Brandon Transfer Station contract negotiation will clearly place the Town of Brandon at a substantial disadvantage. **The motion passed unanimously.**

Motion by Tim Guiles/Seth Hopkins to enter executive session at 8:16PM in accordance with 1 VSA 313(a) (1) – Confidential attorney-client communications made for the purpose of discussing the Brandon Transfer Station contract negotiation with the session to include the Town Manager. **The motion passed unanimously.**

7. Executive Session

The Select Board came out of executive session at 9:33PM. There was no action required.

8. Adjournment

Motion by Brian Coolidge/Seth Hopkins to adjourn the Select Board meeting at 9:34PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary