

Brandon Select Board Meeting October 14, 2019

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

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

Others In Attendance: Dave Atherton, Brent Buehler, Russell Jones, Dennis Reisenweaver, Ray Jobst, Steve Bissette, Barry Varian, Marietta Sheehan, Joseph Jankosky, Wayne Rausenberger, Chris Brickell, Ray Jobst, Bernie Carr, Dale Knapp, Matt Rikert, Miranda Rikert, Matt Orchard

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) September 9, 2019 – Select Board Meeting

Motion by Tracy Wyman/Doug Bailey to approve the minutes of the September 9th Select Board meeting, as amended. **The motion passed unanimously.**

Page 4 – Public Comment and Participation - a correction to Mrs. Furnari’s years of service to 29 years.

b) September 23, 2019 – Select Board Meeting

Motion by Brian Coolidge/Tim Guiles to approve the minutes of the September 23rd Select Board meeting. **The motion passed unanimously.**

c) September 23, 2019 – Select Board Public Hearing

Motion by Brian Coolidge/Tracy Wyman to approve the minutes of the September 23rd Select Board Public hearing. **The motion passed unanimously.**

3. Town Manager’s Report

Dave Atherton provided a report for the weeks of September 23rd, September 30th and October 7th

Segment 6 - Two-Week "Look Ahead":

The final pave course is complete on all roadways. Pavers will return to complete the drives and other areas. Curbing is completed and sidewalk work continues in Segment A. Landscaping and stonework continues in Central Park and Segment C.

Other Happenings:

The Churchill Road Culvert project will not be completed this fall due to not being able to work in the water. The Town will be reposting the bid for Spring 2020 construction.

The Union Street sidewalk was temporarily on hold due to the discovery of two sewer lines that weren't on the plans, which prompted a redesign for a storm structure. This work will commence next week.

There was a significant sewer backup at the Town Hall that required professional cleaning by G. W. Savage. This was due to the sewer line not being connected. It is in the insurance company's hands and the Town Hall is bacteria-free.

Mr. Atherton attended the RRTC meeting on 9/26/19. It was mostly an organizational meeting and the topics of discussion were self-governance and cyber security. There was a presentation on electric buses and discussion on a better paving schedule for Class 1 highways.

FEMA is holding two Discovery meetings to discuss risk mapping, assessment and planning for the Otter Watershed on October 29th in Middlebury at the Ilsley Library and October 30th at the Rutland Free Library. Mr. Atherton will attend one of these meetings.

The bid opening for the demolition of 419 and 449 Newton Road was on 10/4/19. The project was awarded to Parker Excavating. An asbestos survey was completed on both properties and 419 does have a small amount of asbestos that will have to be removed prior to demolition. Mr. Atherton is currently coordinating with a company to remove it. The closings on the houses on the East end of Newton Road took place on Friday.

Recreation News:

Harvest Fest was a success!

The Sudbury Road Race is coming up on October 19th.

Spooksville is on October 25th at Estabrook in partnership with the Brandon Area Toy Project for the 3rd year. It will be bigger than ever with food trucks and lots of trunks.

The winter Town Hall schedule is nearly complete. Comedy shows, music and ping pong have been added to the schedule on top of the wildly successful Brandon Idol.

Seth Hopkins reported he cannot attend either of the FEMA meetings and any Board member interested in attending could advise Mr. Atherton.

Doug Bailey cannot attend the FEMA meetings. Mr. Bailey questioned whether the sewer back-up at the Town Hall was due to the Segment 6 project and whether the bids were lower for the Newton Road buyouts. Dave Atherton reported the line was not on the plan, but the line was big enough for storage so there were no problems earlier. The Town Hall and the Bank have their own lines and they tie in further down the line. When digging they only fixed the Bank line, but the Town Hall line has been connected now. The insurance company will try to recoup their money, but the insurance has a no-fault sewer backup. G. W. Savage did the work and Mr. Atherton will also talk to them about doing repairs. Regarding bid openings, the low bid was \$35,900 for both properties, with the previous bid being over \$50,000 for one. It was competitive bidding, with the next higher bid being only \$9,300.00 more. Mr. Bailey noted the company doing the Route 73 project has done a good job and their flaggers have been great and suggested the Town send a letter of thanks to the company. Mr. Atherton noted they have been a pleasure to work with.

Wayne Rausenberger requested the Town Manager contact Markowski to do some repairs on Union Street, as the potholes are bad. Mr. Rausenberger suggested some Sur-Pak could be used to repair them. Mr. Atherton called them today regarding the area and there will be repairs done either tonight or tomorrow.

4. Town Health Officer/Rental Housing Officer Report

Mr. Hopkins advised the Select Board has requested a semi-annual report from the various boards of the Town. Mr. Kilpeck submitted a report and it was noted there have been 7 health code complaints, 8 animal bite complaints and 61 certificate of occupancy inspections completed.

5. Public Comment and Participation

Seth Hopkins requested the public conform to the Town's rules and procedures relating to public comment and participation.

Joseph Jankosky questioned the status of the issue on Basin Road, as there has not been any discussion with the Health Officer. Marietta Sheehan stated the individual is placing garbage in a truck again. Seth Hopkins stated the concerns must be expressed to the Health Officer. Mr. Kilpeck has contacted the homeowners and delivered the health notice to them. Mr. Hopkins noted the Select Board does not make decisions at this level. Dave Atherton will ask the Health Officer to call Ms. Sheehan tomorrow. Tim Guiles questioned if the Health Officer should provide information to the Select Board since this has been a recurring issue. Mr. Wyman noted this is a complaint the Health Officer is working on and has notified the Select Board of the issue. Mr. Atherton advised the Town cannot go onto people's property, as it would be considered trespassing. Mr. Kilpeck has rules that he must follow to rectify an issue and he is staying on top of this one, but there are multiple issues. Mr. Hopkins summarized the Town's Health Officer is pursuing this issue and he will resolve it in a way that the State statute allows.

Ray Jobst stated when Walgreens took over, there was a discussion about their sign. Mr. Jobst questioned the size of the signs for other businesses in the downtown, as they appear to be large. It was noted temporary signage was allowed during the Segment 6 project so that businesses could advertise properly, but those signs will have to come back into compliance after the project is completed.

Dennis Reisenweaver noted there was mention at a prior meeting that the Town was going to be reimbursed for the \$22,000.00 that was given to Mr. Burlett. Seth Hopkins advised the Select Board would be addressing the most recent communication from the insurer and the attorney during executive session. The Town has not received any money at this point.

6. Energy Plan Adoption

Seth Hopkins reported the Select Board has had two hearings and the Planning Commission has had one hearing regarding the Brandon Energy Plan, as it fits into the Town Plan. Matt Orchard, a member of the Energy Committee, was present to answer questions. The Plan would replace the current Energy language and will give grounds for solar sitings. Mr. Atherton stated it is thought the Plan will do the job for the Town and recommended the Select Board adopt the amendment for the Town Plan.

Motion by Tim Guiles/Brian Coolidge to approve the Brandon Energy Plan.

Tim Guiles noted the Energy Committee gathered useful data and the Plan will help reach long-term goals. Seth Hopkins stated Ed Bove of the RRPC said that Brandon and Rutland Town have had the most solar constructed to this point and Mr. Bove agreed that towns that have substantial solar are going this route with identifying parcels to provide substantial deference for future projects. Mr. Hopkins thanked the Energy Committee and Planning Commission for their work on this Plan.

The motion passed unanimously.

7. Set Dates for Budget Committee Meetings

Dave Atherton reported in the past there have been two budget committee meetings in both November and December. The Department Heads would like to meet with Mr. Atherton prior to bringing the budgets before the Select Board. The Budget Committee meeting dates were set for December 3rd, 10th and 17th beginning at 7PM, with a location to be determined. Anthony Peduto and Jan Coolidge are the remaining members of the Budget Committee. It was suggested to advertise on Front Porch Forum for letters of interest from anyone interested in serving on the Budget Committee. Tim Guiles agreed to be the Clerk of the Committee.

8. Town Farm Road Discussion

Seth Hopkins noted the Town had previously posted the dirt portion of Town Farm Road and then removed the posting. Matt Rikert advised he would not request a change if the Newton

Road route was more unsafe for the trucks to use than the dirt portion of Town Farm Road. Tim Guiles traveled both routes prior to the meeting and found Town Farm Road to be narrow and he understands people's concerns with large trucks. He noted Richmond Road is posted for no trucks and felt there is a certain inclination to give businesses the right to use roads at their discretion. He would like a discussion of the needs of businesses with the needs of homeowners to be safe on their roads. Mr. Rikert thought safety should be more important and if one way is safer than other, that should be the route. This has been going on for a long time, as it had been ignored by previous town managers. Tracy Wyman stated the dirt portion of Town Farm Road has approximately 27 houses within the town limit over two miles. In going the other route from Town Farm Road to Newton Road, there are 12 houses and a single-lane bridge. There are 17 houses on Newton Road not including the FEMA buyouts. The end of Newton Road is a dangerous place for trucks to turn. There are six houses on the Middle Road, a grocery store that is very busy and a post office at that intersection. Furnace Road has 21 houses and North Street has 128 houses, plus one of the Town's largest employers and a vegetable stand that is very busy throughout the summer. Most of the issue on Town Farm Road is during the summer or through construction season. With no sidewalks or shoulders on North Street, Mr. Wyman respectfully disagrees that this would be the safer route to travel. Mr. Rikert stated the complaints that have been voiced in the emails to him were complaints of trucks coming from Leicester and heading towards the pit. Mr. Wyman advised the Select Board could not address something that has happened in Leicester. Mr. Wyman stated Lake Dunmore is a popular destination with a lot of camps and he thinks the Town Farm route would affect fewer people than the other route. Mr. Rikert noted the trucks use the alternate route when the road gets bad and Mr. Wyman agreed the alternate route should be used when the road is posted. Mr. Guiles stated it seems the dirt road is narrower than the paved road, which would be why the paved roads are safer, not necessarily the number of houses. Mr. Wyman stated if the trucks are driven the way they are supposed to be, there would not be an issue. Dale Knapp advised there are only a couple of places where the width of Town Farm Road is narrower than the pavement. This had been discussed previously and it does not make fiscal sense to put all the trucks over the paved roads. Mr. Knapp noted he has driven for DNF for 11 years and has never had an incident on Town Farm Road.

Dave Atherton reported the traffic survey strip was placed on the road on Friday and it will be a couple of weeks before the results are received. Mr. Atherton advised there had been discussion of doing a sidewalk grant for North Street due to the number of houses and the proximity to Neshobe School. There are many pedestrians on the road and there are a lot of blind spots and Mr. Atherton could see that being an issue with more truck traffic, as there is nowhere for pedestrians to go. Mr. Atherton talked with the Town of Leicester and they will be sending letters to the businesses who are using the sandpits and will also have the Sheriff's Department patrolling the road. The Brandon Police Department has patrolled the area, but there have been no trucks on the road at that time. Chief Brickell stated this is a situation that is more a timing factor, as there is more truck traffic in the summer. The Police Department has monitored the area at numerous times of the day and there was one truck that was speeding 2 miles over the speed limit. He does not know that reducing the truck traffic or eliminating the truck traffic will help as he has seen more vehicle traffic going at higher speeds. There are instances that happen and typically there are ruts and potholes and drivers gravitate to the center of the road. It is hoped that everyone tries to be respectful and for those that do not, it is best addressed through the Police Department. It is a matter of trying to make this complaint be public information and he

knows that drivers from the truck companies hear the complaints. Mr. Rikert stated most are driving safe, but when one must drive in the middle of road, it is very dangerous. Mr. Rikert drives, runs, walks his dogs and the one road he is the most scared to travel on is the stretch on Town Farm Road. Doug Bailey suggested alternative signage could help with this issue. Mr. Wyman believes the truck traffic will decrease with the completion of the construction projects. Mr. Atherton stated the Highway Foreman would rather have the trucks on the dirt as the dirt roads are easier to maintain. Mr. Guiles suggested the Town place signs showing the areas that need more caution. Mr. Rikert was concerned that signs will be noticed initially but will not be noticed after they are up for a period of time. Mr. Jobst stated there is also a responsibility of the pedestrian traffic to be aware of oncoming vehicles. Mr. Rikert noted he is more concerned with driving, as he had an incident where he had to maneuver off the road.

Motion by Tim Guiles to return to the previous policy with no trucks on the dirt portion of Town Farm Road. **There was no second and the motion failed.**

Doug Bailey suggested Mr. Atherton and Mr. Hopkins draft an informational letter for the sandpit owners to share with the truckers to advise them of the safety concerns. Tracy Wyman stated the road would have to be posted by both Brandon and Leicester, as there would not be a turnaround area for the trucks.

Motion by Tracy Wyman/Doug Bailey to direct the Town Manager to confer with the Town of Leicester and develop a similar letter educating known users of Town Farm Road.

Mr. Wyman suggested sending the letter to the gravel pit owners for them to distribute to their users.

Mr. Reisenweaver asked why motions are required for these types of decisions. Mr. Hopkins advised the Town Manager acts as the Town's agent and it is good to have actions in the minutes, and if the Select Board wants to act, it should be done by a motion.

The motion passed unanimously.

Seth Hopkins summarized that the traffic study will proceed, a letter will be drafted to be sent to the sand pit owners and Mr. Atherton will ask the Highway Foreman to investigate regulatory signage. Mr. Bailey asked if it would be beneficial for a Select Board member to visit the pits to speak directly with the sandpit owners, however, it was noted that they are not usually present at the pits. Dennis Reisenweaver questioned whether the bridge on Town Farm Road was considered a one-lane bridge and Mr. Wyman advised that two cars can pass through the bridge, however, it is a very narrow bridge.

9. Discuss National Prescription Opiate Litigation Class action Suit

Seth Hopkins stated this is a class action suit that came to the Select Board from the Town Clerk. If there is no action, the Town would remain part of the class action suit.

Motion by Brian Coolidge/Tracy Wyman to take no action on this item and stay part of the class action suit. **The motion passed.**

10. Consider Purchase of 2019 Ford F550

Dave Atherton reported the Town has been considering purchase of another truck and the proposed pick-up truck also comes with a plow. The Town now has enough people to drive the plow trucks and this truck would be good for going around curbs and plowing on Mt. Pleasant. There were two bids received, with G. Stone Motors being \$400.00 less than Ford of Claremont, however, the body would not be ready until a year from now. The proposed vehicle is already built. The proposed purchase is \$48,000.00 for the truck and \$49,000.00 for the plow, sander and body. Mr. Atherton stated this is a current year expense and would be purchased through a loan. The Town will be able to pay off the \$64,000.00 for the tandem truck which would free up the funds for this payment. It would not require a CDL license to operate this vehicle. It is the Highway Foreman's judgment that this would be a versatile vehicle. Currently the Town has a tandem truck, two single axle trucks and one F550 truck. There has been discussion of adding another highway person rather than a public works position. Tracy Wyman stated with all the new infrastructure, the Town will have a lot of work. Mr. Atherton advised the Town is looking at culvert replacement next year that will add to the work required in Town. Doug Bailey agreed this vehicle would be more versatile. Tim Guiles asked if any vehicles would be eliminated and Mr. Atherton advised there will be five employees and all vehicles will be needed for plowing.

Motion by Tracy Wyman/Brian Coolidge to approve the purchase of a 2019 Ford F550 as presented, for an amount not to exceed \$97,877.90 from Ford of Claremont.

Doug Bailey suggested doing the purchase this year, depending on how Segment 6 ends. Mr. Atherton advised the payment will be significantly less than what the tandem would be and will have the figures available at the next meeting. Dennis Reisenweaver noted concern that the vehicle is being purchased out of state and would prefer to buy local. Mr. Atherton advised that G. Stone Motors did place a bid, but the vehicle would not be available for at least a year, with the other bid having a vehicle that is available now. Mr. Atherton noted the Town purchases all of their police cruisers from G. Stone Motors.

The motion passed unanimously.

11. Fiscal

a) Warrant – October 14, 2019 - \$359,502.55

Motion by Brian Coolidge/Doug Bailey to approve the October 14, 2019 warrant in the amount of \$359,502.55. **The motion passed with one abstention – Tracy Wyman.**

Tracy Wyman rescinded his second on the warrant.

Doug Bailey questioned the box trailer rental. Mr. Atherton advised it was for the play structure that was donated by McDonald's. Mr. Bailey questioned the charge to TCE for the Arnold

District Road culvert. Mr. Atherton reported this was something that had been started by the previous public works manager. This is something the Town needs to replace in the next couple of years. The Town will be applying for a transportation grant. Mr. Atherton will provide the Select Board more information when available.

b) Route 7 Construction Warrant – October 14, 2019 - \$868,765.34

Motion by Doug Bailey/Tim Guiles to approve the October 14, 2019 Route 7 Construction warrant in the amount of \$868,765.34. **The motion passed with one abstention – Tracy Wyman.**

c) Bridge 114 Warrant – October 14, 2019 - \$754.87

Motion by Tracy Wyman/Brian Coolidge to approve the October 14, 2019 Bridge 114 warrant in the amount of \$754.87. **The motion passed unanimously.**

Dave Atherton noted this work is for the bridge slab, not Bridge 114, as the bridge is completed.

The Select Board recessed at 8:27PM.

The Select Board reconvened at 8:40PM.

Motion by Tracy Wyman/Doug Bailey to enter into executive session at 8:41PM, with the session to include the Town Manager, to discuss the appointment or employment or evaluation of a public officer or employee under the provisions of 1 V.S.A 313(a)(3). **The motion passed unanimously.**

12. Executive Session

The Select Board came out of executive session at 8:58PM. There was no action required.

Motion by Tracy Wyman/Doug Bailey to find that premature general public knowledge of a possible pending litigation will clearly place the Town at a substantial disadvantage by disclosing confidential attorney-client communications. **The motion passed unanimously.**

Motion by Tracy Wyman/Doug Bailey to enter into executive session at 8:59PM, with the session to include the Town Manager, to discuss confidential attorney-client communications under 1 V.S.A. paragraph 313(a)(1). **The motion passed unanimously.**

Mr. Atherton left the executive session at 9:04PM.

12. Executive Session

The Select Board came out of executive session at 9:32PM. There was no action required.

13. Adjournment

Motion by Brian Coolidge/Doug Bailey to adjourn the Select Board meeting at 9:33PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary