

Brandon Select Board Meeting October 28, 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, Stephanie Jerome, Barry Varian, Marietta Sheehan, Joseph Jankosky, Devon Fuller, Mike Frankiewicz, Bill Moore, Steve Bisette, Jeff Stewart

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

Devon Fuller was present for the final drawing of the Better Brandon hardhat \$50.00 drawing. This program gave away over \$1,200.00 and has been a great success. Now that the Route 7 Project is ending, the DBA and Brandon Chamber will be working on more exciting things for the Town of Brandon. On November 9th, a “Worth the Wait Come Celebrate Better Brandon” event will be held from Noon to 3PM at the Brandon Town Hall. The \$2,019.07 Buzz card grand prize will be given away. There will also be \$50.00 Merchant gift cards giveaways, free BHOP pizza, free Ese Company ice cream and a free Red Clover beer tasting. All who have purchased the hardhats are encouraged to bring them for a hard hat photo.

The winner of the drawing was Leif Nelson.

Seth Hopkins expressed the Board’s gratitude to the Brandon Chamber, DBA, all Brandon Merchants, Mr. Moore and Mr. Atherton.

1. Call to order

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

2. Approval of Minutes

a) October 14, 2019 – Select Board Meeting

Motion by Tracy Wyman/Brian Coolidge to approve the minutes of the October 14th Select Board meeting. **The motion passed unanimously.**

3. Town Manager’s Report

Dave Atherton provided a report for the weeks of October 14th and 21st.

Segment 6:

Segment “E” and “F”- imprinted asphalt crosswalks and traffic islands. Initiation of construction for proposed concrete stairs at various residences and businesses. Punch list items of reseeding, curbing joints, and other identified items. Segment “D”- continued work on retaining wall adjacent to Briggs Lane/guard rail/handrail installations. Segment “C”- completion of retaining wall adjacent to BHOP. Segment “B”- continued improvements within Central Park area, brick, marble and granite walkway surfaces. Preparation and placement on concrete walks, installation of raised crosswalks in (Lot “A”). Segment “A”- preparation and installation of sidewalks, installation of structural soil, (to promote root growth). General line striping throughout, (permanent and temporary). Continued adjustment to elevations of installed hydrants. Miscellaneous drainage, structure cleaning and elevation adjustments. Topsoil placement etc., tree and landscape plantings. Driveway preparations and paving. Initiation of addressing preliminary punch list items.

Union Street Sidewalk:

The storm drain structure will be on site Tuesday, October 29th and construction will resume. The Union Street residents have been advised.

Other Happenings:

We have a new hire in the highway department. This has us back to 4 full-time in the highway and 1 in buildings and grounds. Starting to put together draft budgets for the budget review season.

Recreation News:

. October 25th was the 5th time we have had a Spooksville trunk or treat event at Estabrook Park. Music, more food and much candy were a part of our largest celebration yet! Special thanks to collaborators, the Brandon Area Toy Project, Brandon Free Public Library, Neshobe PTO and the folks and businesses who showed up to make a fun night for area youth.

. Another fall sport season is in the books. We would like to thank the myriad of volunteers who have volunteered hundreds of hours to enrich the lives of these youth football, soccer and cheer participants: Pre-K, Kindergarten, 1st and 2nd grade soccer: Lance Laraway and Lilly Bixby. 1st & 2nd grade NFL flag football: Greg Whitney and Dylan Keith. U10 boys soccer: Ben Gaboriault, Darcie Wsenbiek, Marty Feldman. 3rd & 4th grade girls soccer: Lance Laraway. 3rd & 4th grade padded flag football: Gary Benoit, Matt Mallory, Greg Babcock. 5th & 6th grade boys soccer: Gabe McGuigan, Sam Stone. 5th & 6th grade girls soccer: Kristle Wheeler, Stephanie Ketcham. 5th & 6th grade padded flag football: Duke Whitney, Kevin Blier. 7th & 8th grade padded flag football: Duke Whitney & Kevin Blier. Our sponsors are Brandon House of Pizza, Ethier Wood Products and NFP.

. Pickleball will be starting back up on Sunday afternoons at the Neshobe School on November 4th. Join pickleball commissioner, Faith Daya, weekly from 3-5PM in the gymnasium for fun!

Steve Bissette asked if the Segment 6 project will be finished this year. Dave Atherton advised the completion date has been pushed back to January 19th. The majority of the work will be done, but there will be some landscaping to do. There is a crew in Town that is doing the sidewalks and curbing. There have been days added on each time there is a change order, which is why the completion date went from November to December and now January. The project next to the town office has been an add on and cannot be done this year due to inability to get into the river. It was questioned if the trees are guaranteed and Mr. Atherton confirmed there is a guarantee on the trees. Mr. Bissette asked whether the trailer in the park will remain and Mr. Atherton stated it should be removed this week.

4. Public Comment and Participation

Marietta Sheehan asked if a report has been received from the Health Officer. Dave Atherton spoke briefly with Tom Kilpeck who advised he has visited the site again and there is quite a bit of debris, but it is not trash that will bring rats. The Zoning Administrator has sent a violation letter, which is where the situation currently stands. Mr. Kilpeck has had a difficult time getting in touch with the person in the camper and he will be visiting the site more often to connect with them. Tim Guiles confirmed what Mr. Atherton advised and stated a zoning violation will be the next step in the process. Ms. Sheehan questioned if the Town has addressed any of the problems as far as rules, regulations and permits, given the way people are being forced to live as the land use ordinance does not consider someone who is not in a permanent residence. Tracy Wyman stated if it is a registered vehicle, it cannot be taxed. He has campers that stay in a campground for six months and thought there is a timeframe, just shy of half a year that people can remain. Bill Moore stated the BLUO indicates 21 days and the landowner would be the recipient of the violation. Ms. Sheehan asked if the Town would place a lien on a property if a landowner receives multiple fines. Joseph Jankosky suggested continuing to send letters. Seth Hopkins stated the violation was issued and followed-up on and if there is no action, another violation can be issued. The process is there to respect the property owner's rights. Mr. Atherton advised the only properties the Town can inspect are rental units. Mr. Hopkins noted the Town has to write an ordinance in accordance with State statutes. He stated there have been a number of experiences with mobile home parks and the VLCT has addressed these types of situations. It is a challenge for many communities, and it will likely require the State to resolve it. The health officer has provided a timely update and the code enforcement officer has delivered the violation. Mr. Hopkins stated when it was brought to the attention of the Town, it was addressed and there will be another phone call or letter, and if it has not been resolved, another violation can be issued. The zoning administrator has been involved in this since the initial complaint. Mr. Hopkins advised all the Town can do is to wait for the process to move in an orderly way, as it does not have the authority to tell someone how to live.

Mike Frankiewicz asked about the demolition of the FEMA buyouts on Newton Road. Dave Atherton reported there was an asbestos survey completed and 419 was found to have some asbestos which has to be removed prior to demolition. Both 419 and 449 locations will be done

at the same time. The 57 and 31 locations just received approval that the Town can do a change order with the current demolition company to demolish those as well.

Brent Buehler suggested it would be a good opportunity for the Town to request a new floodplain report at one of the upcoming FEMA meetings taking place tomorrow and Wednesday. Seth Hopkins advised the Town will be represented at the meetings, but the floodplain information will have to be requested in writing. Dave Atherton advised that with the overflow project, the map amendment has been raised with the engineers and they will be preparing the amendment to be submitted to FEMA.

Stephane Jerome stated in preparation for the legislative season, she is available to take comments from anyone who would like to talk to her about legislation. She has been attending meetings about educational changes and has also attended a hearing on stormwater runoff. A ruling related to clean water was passed in 2015 and the State will be reviewing impervious areas that are 3 acres and larger. The schools and businesses will have to be reviewed and it could have an impact on some. Otter Valley High School, New England Woodcraft and the old Tubbs factory on Arnold District were determined to fall in this category. Dave Atherton reported Brandon was chosen as one of the first towns to survey. Ms. Jerome stated there could be some options for appeals. Mr. Atherton advised there will be hearings held around the State.

Tim Guiles stated this is Russell Jones last time reporting in Brandon and thanked him for the work he has done.

Russell will be moving back to Texas.

5. Cyber Security Policy Discussion

Tim Guiles participated in a VLCT training webinar that heightened his aware of the importance of a Cyber Security policy. He talked with staff about their computers and what they would do in the event of an issue. Mr. Guiles advised there are three levels to assist in dealing with this topic. There is zero-cost training that could be done by Town staff on a regular basis to keep the system safe. The second level of support would be to budget funds to upgrade Computers to Windows 10 to assure that the Town's computers can be properly maintained and protected against viruses. As of January 17, 2020, Microsoft will no longer support anything prior to Windows 10. The third level is more significant in that it would require a network administrator that has the knowledge to operate a global level of security. The Town had a ransomware attack and Mr. Guiles thought it might be worth discussing if there could be better servers or vigilance in hiring someone to verify that everything is in place and suggested promoting all three options. There is no model VLCT policy on this subject at this point. Seth Hopkins confirmed there is cyber security protection from the VLCT. Mr. Guiles advised the training was mostly about computer hygiene and suggested all staff should be required to view the training. He also suggested the Town develop its own policy. Mr. Hopkins stated the first experience was an attention-getter and the Town got through it relatively unscathed. Mr. Atherton advised the issue was due to the IT people not backing up the system and that situation has been rectified. Mr. Guiles stated there needs to be protocol when an issue occurs. Mr. Atherton stated the Town does have good spam filters. Mr. Guiles stated the Town needs to be accessible as possible through the internet but

needs to balance the desire of openness with the necessity of protecting the Town from harm. Tim Guiles and Seth Hopkins will draft a policy for the Board's consideration.

6. Appointment of Budget Committee Member

The Select Board received two letters of interest in serving on the Budget Committee from Cindy Bell and Barry Varian.

Motion by Brian Coolidge/Tracy Wyman to appoint Barry Varian as a member of the Budget Committee.

Tim Guiles suggested also appointing Cindy Bell to the Budget Committee. Doug Bailey agreed, since the Committee lost two members.

Motion by Tim Guiles/Doug Bailey to add a friendly amendment to also appoint Cindy Bell to the Budget Committee. **The motion passed unanimously.**

The main motion was amended to appoint both Cindy Bell and Barry Varian to the Budget Committee. **The motion passed unanimously.**

Dave Atherton had suggested a change in the Budget meetings to just prior to Select Board meetings, however, most were not in favor of this change. Mr. Atherton thought it would be good to start the meetings in November and suggested scheduling one Budget meeting an hour before the November 25th Select Board meeting. The Board confirmed the November 25th meeting and the originally scheduled Budget meetings on December 3rd, December 10th and December 17th beginning at 7PM. Doug Bailey stated there may also be an additional meeting scheduled in January. Mr. Atherton will be unable to attend the December 10th meeting and Jan Coolidge will be unavailable for the November meeting. Mr. Atherton suggested the November 25th meeting include a discussion of the Police Department's budget.

7. Fiscal

a) Resolution for New Truck Lease

Dave Atherton reported the financing for the new truck is a tax-exempt purchase with a five-year term at 3.7% interest with an annual payment of \$21,000.00. This payment will be \$11,000.00 less than the truck that is being paid off this year.

Motion by Brian Coolidge/Tracy Wyman to approve the Resolution for the new truck as presented. **The motion passed with one "no" vote – Tim Guiles.**

Dave Atherton advised there are funds in the Highway budget to pay off the current truck payment and the budget is still in good shape.

b) Warrant – October 28, 2019 - \$271,649.77

Motion by Brian Coolidge/Tim Guiles to approve the October 28, 2019 warrant in the amount of \$271,649.77. **The motion passed with one abstention – Tracy Wyman.**

Doug Bailey questioned the Union Street consulting warrant. Dave Atherton reported it was for the on-site inspector that was included in the bid.

b) Route 7 Construction Warrant – October 28, 2019 - \$745,657.62

Motion by Doug Bailey/Brian Coolidge to approve the October 28, 2019 Route 7 Construction warrant in the amount of \$745,657.62. **The motion passed with one abstention – Tracy Wyman.**

Dave Atherton confirmed that the warrant was in order. Mr. Atherton noted that the warrant from the Brandon Area Chamber of Commerce was for promotional items.

The Select Board recessed at 7:52PM.

The Select Board reconvened at 8:00PM.

Tracy Wyman recused himself from the meeting and left the room.

Motion by Brian Coolidge/Tim Guiles to find that premature general public knowledge of a possible pending contract with Wyman Timer Harvesting will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

Motion by Brian Coolidge/Tim Guiles to enter into executive session at 8:01PM, with the session to include the Town Manager, to discuss the Town's pending contract with Wyman Timber Harvesting under the provisions of 1 V.S.A. paragraph 313(a)(1) of the Vermont Statutes. **The motion passed unanimously.**

8. Executive Session 1

At 8:10PM Tracy Wyman was asked to join the executive session to discuss the transfer station contract.

Motion by Brian Coolidge/Tim Guiles to come out of executive session at 8:20PM. **The motion passed unanimously.**

The Board authorized the Town Manager, Dave Atherton, to write a contract (renewable each year) with Wyman Timber Harvesting for managing the Brandon Transfer Station.

Dave Atherton departed the meeting.

Motion by Brian Coolidge/Tracy Wyman to find that premature general public knowledge of the confidential attorney-client communications made for the purpose of providing legal services to

the public body will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

Motion by Tracy Wyman/Doug Bailey to enter into executive session at 8:23PM to discuss confidential attorney-client communications made for the purpose of providing legal services to the public body, under 1 V.S.A. paragraph 313(a)(1) of the Vermont Statutes. **The motion passed unanimously.**

9. Executive Session 2

Motion by Brian Coolidge/Tim Guiles to come out of executive session at 8:40PM. **The motion passed unanimously.**

There were no actions required.

10. Adjournment

Motion by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:41PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary