

**Brandon Select Board Meeting
November 11, 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, Tracy Wyman

Others In Attendance: Dave Atherton, Bill Moore, Chris Brickell, Jeff Stewart, Brent Buehler, Bernie Carr, Mike Frankiewicz, Steve Bisette, Barry Varian, Rick Carroll, Sherry Williams

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

Seth Hopkins wished to thank all Veterans on behalf of the Select Board for their service.

1. Call to order

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

2. Approval of Minutes

a) October 28, 2019 – Select Board Meeting

Motion by Tracy Wyman/Brian Coolidge to approve the minutes of the October 28th Select Board meeting, as amended. **The motion passed unanimously.**

Under Item 7b – Prior to the vote, Tim Guiles asked Dave Atherton if he had reviewed the Segment 6 warrants and Mr. Atherton confirmed that they were reviewed.

3. Town Manager’s Report

Dave Atherton provided a report for the weeks of October 28th and November 4th.

Segment 6:

Anticipated Up-Coming Interval, (November 12, 2019 - November 22, 2019)

Segment ‘E’ and ‘F’:

- Completion imprinted asphalt traffic islands.
- Initiation of construction for proposed concrete stairs at various residences and businesses.
- Punch list items - reseeding, curbing joints and other identified items.

Segment 'D':

- Installation of guard rail and hand railings on retaining wall adjacent to Briggs Lane Segment 'C'.
- Completion of retaining wall adjacent to BHOP as well as associated railings and walk brick banding.

Segment 'B':

- Continued improvements within Central Park area, brick, marble and granite walkway surfaces.
- Installation of raised crosswalks, (Lot 'A').

Segment 'A':

- Completion of drives and miscellaneous clean-up items.

General:

Continued line striping throughout, (permanent and temporary). Most of the permanent striping is down and will be able to turn the traffic lights on, with the remainder of the striping done in the spring. Miscellaneous drainage, structure cleaning and elevation adjustments. Topsoil placement etc. Tree and landscape plantings. Initiation of addressing preliminary punch list items.

Seth Hopkins asked if the Select Board could be included in a conversation about the lights. Dave Atherton advised the lights have to be turned on, however, the programs have been adjusted and they should be properly working. Mr. Atherton thinks after the project is completed the Town can take the lights over and the Select Board could have a conversation at that time. There will be a meeting this week to discuss the timing of the lights. Tim Guiles questioned what the Select Board's latitude is concerning this subject. Mr. Atherton stated the area is compressed where the traffic stops and there are pros and cons for turning the lights on, however, there have been a couple of accidents in that area. Now that all of the lanes are open and the construction is out of the roadway, it is the intent to turn the lights on. Mr. Hopkins noted the Town will want the lights turned on to assure there are no problems, as it currently would be the responsibility of the project to correct them.

Union Street Sidewalk:

The retaining wall has been constructed and sidewalk has been poured. Paving is tentatively scheduled for the end of the week.

Other Happenings:

The Town of Brandon hosted the Vermont Community Development Association fall conference on Tuesday, November 5th at the Brandon Town Hall. 63 attendees from all around various funding and state agencies came together on the topic of "A Look Down the Pipeline: Improving Community Infrastructure" The day ended with a walking tour showcasing the work from the past 5 years in Brandon, led by VCDA Board Member - Bill Moore, Segment 6 PIO - Bernie Carr and your Town Manager/Municipal Project Manager.

All in attendance were mightily impressed with the transformation of Brandon (to the point of nearly outright envy). The Town Hall was lauded as an "amazing space" and has been "put on the map" as a topnotch space in which conferences can be held.

Mr. Atherton attended the FEMA Risk Mapping Assessment and Planning Discovery meeting in Middlebury on October 29th. The Zoning Administrator attended with Mr. Atherton and they spoke to some of the FEMA people. Completed online survey to address flood map changes due to the overflow culvert and the continued flooding on Newton Road.

Mr. Atherton attended the VTCMA Fall Conference in Norwich on November 7th and 8th. Topics were Working with your Select Board, Working with the 2020 Census, Marketing your Community and Framing Your Story, and How Safe are Your Roads. He stated Stu Johnson did the presentation on the roads and he hopes to have him come to speak with the Select Board.

Brent Buehler asked why some of the crosswalks are white and others are brick, and whether there will be pedestrian signs. Mr. Atherton advised there is an inconsistency because the area around the bridge is not completed. There will be pedestrian signs posted on all crosswalks. Bernie Carr reported they will all have white striping and as the asphalt lightens up, they will be easier to see. Mr. Buehler asked what the Town has submitted relative to FEMA mapping. Mr. Atherton advised the Town had to do an online survey for problematic areas that need to be remapped, with the overflow culvert and Newton Road being noted. FEMA bases their information on elevation and fluvial erosion. Mr. Buehler asked if he should submit a certificate of elevation. Mr. Atherton stated FEMA is doing this for the town infrastructure and problematic areas, and it is hoped the overflow culvert will be an improvement. The Town has sent the information in hopes there will be changes to the FEMA maps.

Seth Hopkins extended an apology to Mr. Buehler for his error at the last meeting regarding the FEMA meetings that were held on October 29th and 30th. Mr. Atherton was present for the meeting on the 29th and Mr. Guiles was present for the meeting on the 30th. He did not think the letter was clear, but he should have erred on the side that the Town participate.

Tim Guiles stated FEMA is under a five-year program to significantly refine the maps. They are suggesting there will be granular maps within 6 feet of where the flood plains are. They are trying to aim limited resources to the problem areas and will be doing an analysis. It is a long project and if the Town finds other items that are incorrect on the flood map, there is time to advise them of these areas. Mr. Hopkins noted Mr. Atherton has been diligent on this subject and the Town is still going through the routine way of updating the map.

4. Public Comment and Participation

Brian Coolidge questioned if the Budget meetings could be held just prior to the Select Board meetings. Seth Hopkins stated the Board had agreed on separate meeting nights, as there was concern that it would make a long night for people to have two meetings back-to-back. Tim Guiles would make it for whenever the meetings are, but noted Tuesdays are better. It was decided there would be a meeting prior to the November 25th Select Board meeting, plus three

additional meetings on December 3rd, 10th and 17th. The Police Chief will be present for the November 25th meeting, the Town Clerk will attend the December 10th meeting and the 3rd and 17th have been left open for the other departments. Mr. Atherton noted that he had suggested a change to just prior to the Select Board meetings as there had been concern about staff going to too many meetings, and it would provide the opportunity to give the public an update at the Select Board meeting. Mr. Hopkins was inclined to keep the schedule as is due to the decision being made by the full Board at the last meeting.

Dave Atherton reported that he received notice on Friday the Town was awarded a 100% stormwater management grant through the Agency of Natural Resources for Pearl Street and the Café Provence parking lot near the waterfalls. Mr. Atherton will be providing more information to the Select Board on this subject.

5. Revolving Loan Fund

Bill Moore read the following letter that was provided to the Select Board regarding the Ripton Mountain Distillery revolving loan fund application:

“On April 25th, July 25th and October 29th, the Brandon Revolving Loan Fund Committee met to consider a loan request from the principals of the Ripton Mountain Distillery.

The Ripton Mountain Distillery has nearly completed the conversion of the former Shapiro’s retail space into a distillery tasting room and bar space representing a significant investment of private sector money into a leased space to create another destination business for the Town of Brandon. Having started the process of conversion, permitting and construction nearly 1 year ago, the principals are on the cusp of opening. This loan would represent the gap funding that will help a start-up business to open after substantial personal investment, which is one of the key missions of the RLF.

The members present voted unanimously to approve a \$25,000 loan for the Ripton Mountain Distillery.

The terms of the loan: 3.00% rate amortized as a 90-month loan with a balloon at 36 months. Collateral would be security interest, the assets and equipment associated with the business, specifically 1st security interest in the still, bulk tank and mixing tanks.”

Mr. Moore introduced Rick Carroll and Sherry Williams, the principals of the business who were present to answer any questions. Seth Hopkins thanked them for the completeness of the documentation and for working with the Town’s Revolving Loan Committee. Mr. Carroll reported they have about \$180,000.00 invested in the business and the \$25,000.00 loan would assist in paying for the permits. They already have contracts and are selling in bulk to the biggest CBD oil vendor in the State. It is their intent to be open in a couple of weeks that will include a deli, as well as the brewing. Mr. Carroll reported the majority of their business will be in bulk sales, as there is potential for \$60,000.00 per month in bulk sales. They are using Brandon water and their labeling will note that it is the best water in the State.

Motion by Tracy Wyman/Brian Coolidge to approve the revolving loan fund application, as presented. **The motion passed unanimously.**

6. Approval of Clean Water and Drinking Water Loans for Park Street

Dave Atherton advised this is the construction funding for the revolving loan fund for the water and sewer for the Park Street project. Mr. Atherton also provided the agreement with the Fire District for their obligation to pay on the water portion of it. It is a requirement for the municipality to be on the agreement and is similar to Segment 6 where the Fire District pays their portion. There had been a similar agreement when the water line was done six or seven years ago as part of the early Segment 6 project.

Motion by Brian Coolidge/Seth Hopkins to approve the State revolving loan funds for clean water and drinking water with the fire district. **The motion passed unanimously.**

Mr. Atherton noted this is a project that was already approved, and this is the funding mechanism. The initial application that came to the Select Board had all of the loan amounts that were built up to construction.

7. Appointment of Alternative Representative for SRF Wastewater Collection Systems

Dave Atherton stated this was also done for Park Street and this is for the 1272 order that required more engineering on the wastewater plant. An alternate is needed for the revolving loan accounts and Mr. Atherton requested the Board consider appointing Jackie Savela as the Alternate.

Motion by Brian Coolidge/Tracy Wyman to appoint Jackie Savela as the Alternative Representative for the SRF wastewater collection system. **The motion passed unanimously.**

Mr. Guiles noted the form that was sent has many irrational sentences and grammatical issues and expressed concern this could be an issue. Mr. Guiles requested the letter be retyped and volunteered to do so. Mr. Atherton noted concern that the Bond Bank may have an issue with the Town submitting a retyped letter and not the form that they were provided.

8. Fiscal

a) Warrant – November 11, 2019 - \$1,031,260.21 and Route 7 Construction Warrant - \$538,488.68

Motion by Tim Guiles/Brian Coolidge to approve the November 11, 2019 warrant in the amount of \$1,031,260.21 and the Route 7 Construction warrant in the amount of \$538,488.68. **The motion passed with one abstention – Tracy Wyman.**

Tim Guiles asked about the warrant for the psych evals and Dave Atherton advised that psych evals are required for new police officer hires. Seth Hopkins questioned if there had been an accident with one of the Town's trucks and Mr. Atherton reported the Mack truck had some

issues and it was brought in for repair. Mr. Guiles also asked if Mr. Atherton had reviewed the invoices for the Route 7 construction project and Mr. Atherton confirmed they were reviewed. Mr. Atherton noted that \$960,000.00 of the Town's warrant was for education.

The Select Board recessed at 7:40PM.

The Select Board reconvened at 8:06PM.

Motion by Brian Coolidge/Seth Hopkins 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 Brian Coolidge/Seth Hopkins to enter into executive session at 8:07PM to discuss confidential attorney-client communications made for the purpose of providing legal services to the public body, under the provisions of 1 V.S.A. paragraph 313(a)(1) of the Vermont Statutes. **The motion passed unanimously.**

9. Executive Session

The Board came out of executive session at 8:11PM. There was no action required.

10. Adjournment

Motion by Brian Coolidge/Tim Guiles to adjourn the Select Board meeting at 8:12PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary