

Brandon Select Board Meeting December 23, 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

Others In Attendance: Dave Atherton, Brent Buehler, Barry Varian, Cindy Bell, George Coolidge, Chris Brickell, Allie Walters, Steve Bissette, Sue Gage

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

1. Call to order

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

Switch Executive Sessions - Items 9 and 10.

Add Item 4a – Consider BLSG Board Representative Appointment.

Add Item 7a – Discussion of Green Fleet Policy

2. Approval of Minutes

a) Select Board Budget Workshop – December 10, 2019

b) Select Board Budget Workshop – December 17, 2019

Motion by Tim Guiles/Doug Bailey to approve the minutes of the December 10th and December 17th Select Board Budget workshops. **The motion passed with one abstention – Brian Coolidge.**

c) Select Board Meeting – December 9, 2019

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

Under the Green Fleet Policy Discussion – a change in wording to reflect the policy does suggest greening the fleet and does advocate for the replacement of vehicles. The emission data collection would not require purchasing equipment.

3. Town Manager's Report

Dave Atherton provided a report for the weeks of December 9th and December 16th.

Segment 6:

The lampposts in the downtown area have been malfunctioning due to computer issues. We have discontinued the use of a computer to run the lamps and they will be run by one photo sensor to turn them on and off.

We are waiting for handrail to be delivered so it can be installed at various locations.

Have been discussing some of the sidewalk areas that are chipping and will have a resolution for spring repair/replacement.

Other happenings:

We are hoping to have the Churchill Road culvert out for bid at the first of the year for spring/summer installation.

The Sanderson Bridge has been repaired from truck damage again. Shawn and I will be meeting to discuss new signage and the possibility of adding a motion camera somewhere in or around the bridge.

Have been meeting with contractors to get quote to build a roof over the Town Hall sidewalk.

Rec News:

- . March Celtics Trip has sold out.
- . Brandon Idol registration is open. Anyone interested can visit our rec registration website.
- . Little Otter Wrestling program registration opens up December 30th. Wrestling will be in the Pilar Pilates building on Rossiter Street with Coaches, Babcock, Whitney and Miner.
- . The Blueberry Hill Ski Club cross country information meeting will be held at Neshobe Elementary on January 7th @ 7pm. Anyone interested in resurrecting this once popular ski program should attend.
- . Brandon Rec and Brandon Free Public library are partnering up for Quiz Night at the Center Street Bar. Visit brandonpubliclibrary.org to sign-up for FREE. 6:30pm every Sunday in January and February 9th and 16th. The OPEN Cornhole night at the Brandon Town Hall is slated to commence on Wednesdays starting on January 15th from 7pm to 9pm. More information will be posted on-line.
- . The Brandon Rec will be offering an open ping pong night at the Town Hall starting January 13th with a 6:30pm start time.

Doug Bailey congratulated Bill Moore on receiving a \$10k grant for the playground.

4. Public Comment and Participation

Brent Buehler questioned if the liability insurance premium is inclusive of the payment made regarding Daryl Burlett. Dave Atherton advised the liability insurance is an annual payment through VLCT that did not increase this year. It was noted that the Town has made a claim with regard to the payment in question. Seth Hopkins stated the Select Board desires to make a full and complete response regarding Daryl Burlett, but they are still in the stage where the attorneys are working, and it would be beneficial to make a statement once the attorneys have completed their work. Mr.

Hopkins reported the Town's loss was claimed under the existing insurance and the Town's loss was made whole and the claim was subrogated to the insurance company. The insurance company now has the opportunity to pursue recovery. Mr. Hopkins stated the town attorney continues to work with VLCT and Mr. Burlett's attorney continues to represent that side of the matter. At the point the claim was made, the town attorney began billing VLCT rather than the Town. Tim Guiles stated this situation is winding down. Mr. Buehler stated someone made the payment and Mr. Guiles noted this situation was rectified and the Select Board is going to make sure this situation does not happen again. Mr. Buehler reiterated a payment was made outside the authority and then placed in the warrants and submitted to the Select Board, which was an additional mistake. Mr. Hopkins noted the Board took Mr. Buehler's questions seriously and Mr. Hopkins has drafted a response that the Board has considered, but the legal advice the Board has received from the town attorney is that a public statement from the Board is premature. The Board would like to have some finality and have the public understand the course of events, but the legal advice is that it is not time yet. The authorizer of the payment is no longer employed by the Town. Dave Atherton noted he does not have the authority to spend over \$10k and this was authorized by the prior municipal project manager, but VTrans did not authorize the submittal. Mr. Hopkins stated the attorney is asked regularly about the progress. Chris Brickell stated the Board is trying to give the information that they can legally provide. Mr. Hopkins stated the Town has been made whole from the financial loss and the Board is waiting for the town attorney to advise that this will not jeopardize the recovery effort that the Town's insurers are making.

Brent Buehler asked about the health insurance premiums noting the workers comp and liability insurance are listed. Seth Hopkins stated there is a payroll warrant and the premium share comes out of that warrant. The payroll warrant is not part of the packet as the information has employees' private information.

George Coolidge, a new resident to the Smith Block, complimented the Town on the churches, a great library with very helpful people, an outstanding Senior Center, the Friends of the Town Hall and the landfill for having the best donuts in Vermont. Mr. Coolidge was originally from the area. Mr. Coolidge expressed concern with the noise on Center Street and noted he has to wear a headset and earplugs in order to sleep. There are many vehicles that are very noisy and has spoken to the Town Manager and Police Department concerning this issue. Mr. Coolidge asked if there is a noise ordinance in the Town. It was noted there is an ordinance that goes into effect after 10PM that is part of the Brandon Land Use Ordinance. Mr. Coolidge asked if the Town has looked into other towns that have noise ordinances. Seth Hopkins advised the Land Use Ordinance is under the jurisdiction of the Brandon Planning Commission and it could be requested they look into this subject. Mr. Coolidge asked if more police are needed on the force. Mr. Hopkins stated there has been a discussion of this subject during the budget discussions and the Select Board is considering this. Mr. Coolidge asked how a citizen assures items get addressed. Mr. Hopkins advised the Select Board meetings are the right place to do this, as the budget has to be completed by the end of January and the Board welcomes public input at the meetings. Mr. Coolidge asked if there is a need for higher salaries and Mr. Hopkins stated there has been a discussion of this subject as well. Mr. Hopkins stated the Select Board, Police Chief and Town Manager have made movements in this direction. Mr. Coolidge asked if there could be a constable to control the traffic and the noise. Mr. Hopkins advised the State made changes in what constables were required to do to have enforcement authority. Mr. Hopkins would want to confer with the Police Chief and Town Manager about this. Mr. Coolidge questioned if there would be consideration in moving the Police

Department to be located in Town. Mr. Hopkins stated there was a consideration in having the Police Department located between Brandon and Forest Dale and there have been investments made in the station, which still has a bond. Mr. Coolidge asked if there is a plan to improve the sidewalks. Mr. Hopkins stated there is a list of streets identified and there will be an appropriation for \$20k for sidewalk improvements that will be voted on in March, with Union Street as the first area for improvement. Mr. Hopkins noted sidewalks are very expensive and less funding is received from the State to build sidewalks. Mr. Coolidge stated there are cars that are parked on some of the sidewalks, mainly on Church Street and Carver Street. There are also several places where bushes and trees are hanging out over the sidewalks. Police Chief Brickell invited Mr. Coolidge to meet with him to discuss some of his concerns. Mr. Coolidge also suggested the police personnel could be invited to attend local events for citizens to meet them. Mr. Hopkins thanked Mr. Coolidge for expressing his concerns.

4a. Consider BLSG Board Representative Appointment

A letter of interest to be appointed as a representative to the BLSG Board has been received from Richard Russ of Forest Dale.

Motion by Brian Coolidge/Doug Bailey to appoint Richard Russ to the BLSG Board.

Tim Guiles noted he appreciates anyone who is willing to serve but wanted to be sure the right person for the position is appointed. Mr. Guiles asked if Mr. Rausenberger has been advised of the request. Seth Hopkins did not think there would need to be the approval from the other representatives for an appointment.

The motion passed unanimously.

5. Perpetual Lease Land Discussion

Dave Atherton reported that as far as it is known, the Town has no lease land and in speaking with Mr. Carroll at the attorney's office, the Town does not need to do a waiver due to not having any lease land. Seth Hopkins stated the Town Clerk/Treasurer and Town Manager have indicated that as far as it is known, there is no lease land. Sue Gage noted there was one property that the Town did a quit claim on and do not receive any rents from. Mr. Hopkins stated the default will be to take no action.

Motion by Tim Guiles/Doug Bailey to take no action. **The motion passed unanimously.**

6. Approve GAN with Bar Harbor for Segment 6

Sue Gage stated the Segment 6 project was scheduled to end in November, but there is an addition to the project out to next year. Ms. Gage has asked the bank to extend the grant anticipation loan for six months with a modification in the loan from \$2 million to \$1 million and a change in the end date to June 2020. The current interest rate did not change from the original note and the loan has been rolled over from year to year. Seth Hopkins stated the bills will continue to come in, plus the additional slab work under the road near the Town Office was added to the project.

Motion by Doug Bailey/Brian Coolidge to approve the loan modification with Bar Harbor Bank for the Segment 6 project. **The motion passed unanimously.**

7. 20/21 Budget Discussion

Seth Hopkins thanked members of the Budget Committee – Barry Varian, Jan Coolidge, Cindy Bell and Tony Peduto for attending the budget workshops to provide insight to the Select Board and assist with the budget preparation. Jan Coolidge advised the Committee has written a letter for the Town Report. Ms. Coolidge noted the budget meetings were public meetings, but there was no public participation. Barry Varian was pleased with the process and thought the individual department heads' contributions were very beneficial. Cindy Bell stated she was on the first budget committee and noted she is amazed how far the committee has come. She also noted it was great that the heads of the departments spent so much time assisting with the budget. Mr. Hopkins also thanked the Town Manager. Mr. Atherton provided the Select Board with proposed changes. Mr. Hopkins noted the Select Board is getting close to creating a budget to meet the needs of the Town with a stable tax bill for the residents. At the January meeting, the Select Board will be able to recommend a budget to the voters. Doug Bailey also thanked the Town's Bookkeeper for assisting with the budget process. Cindy Bell suggested one more meeting to go through the changes that have been proposed. It was suggested to schedule a Budget meeting on Tuesday, January 7th at 7PM in the Town Hall.

7a. Green Fleet Policy

Tim Guiles requested the Select Board consider passing a Green Fleet policy. Mr. Guiles has had a discussion with the Town Manager concerning this subject. Dave Atherton stated he agrees if Mr. Guiles is willing to help the Town with the policy.

Motion by Tim Guiles/Doug Bailey to approve the Green Fleet policy as presented at the last Select Board meeting. **The motion passed with one no vote – Brian Coolidge.**

8. Fiscal

a) Warrant – December 23, 2019 - \$142,171.68

Motion by Brian Coolidge/Tim Guiles to approve the December 23, 2019 warrant in the amount of \$142,171.68. **The motion passed unanimously.**

b) Route 7 Construction Warrant – December 23, 2019 - \$184,289.76

Motion by Tim Guiles/Brian Coolidge approve the December 23, 2019 Route 7 Construction warrant in the amount of \$184,289.76. **The motion passed unanimously.**

Dave Atherton confirmed that the Casella warrant was in order.

The Select Board recessed at 7:58PM.

The Select Board reconvened at 8:05PM.

Motion by Brian Coolidge/Doug Bailey 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/Doug Bailey to enter into executive session at 8:06PM, with the session to include the Town Manager, to discuss confidential attorney-client communications made for the purpose of providing legal services to the public body, under the provisions of Title 1 V.S.A. 313 (a)(1) of the Vermont State Statutes. **The motion passed unanimously.**

10. Executive Session

The Board came out of executive session at 8:27PM. There was no discussion held. Dave Atherton left the meeting.

Motion by Brian Coolidge/Doug Bailey to enter into executive session at 8:29PM to discuss the appointment or employment or evaluation of a public officer or employee under the provisions of Title 1 V.S.A. 313 (a)(3) of the Vermont State Statutes.

After a brief discussion, the Board concluded this discussion would not require an executive session. Brian Coolidge and Doug Bailey withdrew the motion.

At 8:31PM the Board resumed their meeting.

Brian Coolidge asked how Dave Atherton had reduced the budget to the new revised lower amount. Seth Hopkins explained the adjustments that were previously emailed to all Budget Committee members. Brian Coolidge noted he has had trouble receiving emails recently. There was some general discussion about the Police Department overtime and holiday pay. Brian Coolidge would prefer the sidewalk money be included in the budget instead of being a separately voted upon appropriation item. It was generally agreed this budget discussion would continue at the next budget meeting on Tuesday, January 7th at 7pm.

11. Adjournment

Motion by Brian Coolidge/Doug Bailey to adjourn the Select Board meeting at 8:50PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary