

**Brandon Select Board Meeting**  
**May 13, 2019**  
**7:00 p.m.**

The Brandon Select Board will meet Monday, May 13, 2019 at 7:00 p.m. at the Brandon Town Hall located at 1 Conant Square expecting to consider the items noted on this agenda. Agendas shall be posted on the community bulletin board located at the Town Office at 49 Center Street and on the community bulletin board located between Dave's Grocery and the Forest Dale Post Office. The Select Board reserves the right to add additional items, if necessary, at the beginning of the meeting.

- 1) Call to Order
  - a) Agenda Adoption
- 2) Approval of Minutes
  - a) Select Board Minutes – April 22, 2019
- 3) Town Manager's Report
- 4) Public Comment and Participation
- 5) Presentation by Zapata Courage, Vermont Wetlands Ecologist
- 6) Approval / Renewal of Salvage Yard
- 7) Update Conflict of Interest Policy
- 8) ANR Settlement Agreement
- 9) Transfer Station
- 10) Fiscal
  - a) Warrant – May 13, 2019 - \$111,643.86
  - b) Route 7 Construction Warrant – May 13, 2019 - \$500,403.77
  - c) Bridge 114 Warrant – May 13, 2019 - \$9,340.08
- 11) Executive Session

The appointment or employment or evaluation of a public officer or employee under the provisions of 1 V.S.A. § 313(a)(3)

- 12) Executive Session

I move to find that the premature general public knowledge of the negotiation strategies with the NEBPA will clearly place the Town at a substantial disadvantage.

I move that we enter executive session to discuss the current collective bargaining agreement with the NEBPA under the provisions of 1 V.S.A. § 313(a)(1)

- 13) Adjournment

## **Brandon Select Board Meeting April 22, 2019**

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

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

**Others In Attendance:** Dave Atherton, Bernie Carr, Jeff Stewart, Mike Frankiewicz, Paul Stone, Steve Bissette, Chris Brickell, Stephanie Jerome, Dick Kirby, Ralph Ethier, Steven Zorn, Russell Jones

### **1. Call to order**

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

The monthly Even Better Brandon drawing was held and Claire McGuigan was the winner of the \$50.00 Brandon Green.

### **2. Approval of Minutes**

**a/b) Approval of Minutes – April 8, 2019 - Select Board Public Hearing Meeting re: TH 57 and Select Board Meeting**

**Motion** by Doug Bailey/Brian Coolidge to approve the April 8, 2019 Select Board Public Hearing minutes re: TH 57 and the Select Board Meeting minutes. **The motion passed unanimously.**

### **3. Town Manager's Report**

Dave Atherton provided the following Town Manager's report.

#### ***Union Street Sidewalk:***

John Turner Consulting was awarded the inspection services for the construction of the sidewalk.

#### ***Park Street:***

This is still in historic review with the State.

#### ***Newton Road:***

The homeowners at 449 Newton Road are moving forward with the buyout. They have accepted the appraisal results and we have ordered the title search. The property appraisal for 37 Newton Road is scheduled for this Thursday.

***Churchill Road:***

There is still culvert work to do. Some historic review and right of way work will also be required. Mr. Atherton will be meeting with the landowners to go over these items. The Town still plans to do the project this summer.

***Segment 6:***

***Prior Two Weeks:***

- . Equipment and labor mobilization.
- . Continued saw cutting of existing roadbed materials.
- . Sidewalk preparations and installations Segment 'E', Library and Lot 'A' areas.
- . Removal of existing retaining walls: Adjacent to Briggs Lane and Prospect Street South.
- . Initiation of storm water headwall behind Mobil Station.
- . Sewer installation from Briggs Lane across Route 7 inclusive of structures and piping.
- . Installation of storm water piping at SWT #1.
- . Temporary water installations High Street and North along US Route 7.
- . Water and sewer improvements within West Seminary Street.

***Next Two Weeks:***

- . Continuation of storm water headwall installations.
- . Placement of permanent base pavement within Segments F, E and into D.
- . Placement of pavement markings/ delineators project wide.
- . Continued existing roadbed cutting.
- . Installation of retaining wall adjacent to Briggs Lane.
- . Fountain assembly for access to drinking accommodations within Central Park.
- . Continuation of temporary water installations within US Route 7, (North of High Street).
- . Continued sidewalk preparations and placements project wide.
- . Continued utility improvements within West Seminary Street.
- . Initiation of preparation and construction activities within Segment 'C', (Downtown/potentially inclusive of night work activities).
- . Elevation adjustments to structure frames and grates within Segments E and F.
- . Initiation of underground utility installation within Segment 'A', (High Street and South thereof).
- . Maintenance of erosion control measures should areas be identified following review.
- . Initiation of roadway widening along US Route 7 for maintenance to traffic during construction.

Tracy Wyman reported he has received calls concerning the traffic in the downtown, with the complaints mainly about the delays in the northbound lane in the afternoons. He noted some

have indicated they have waited for as long as 20 minutes to one-half hour. Mr. Wyman sat for 25 minutes today in the northbound lane. Bernie Carr stated the big issue is due to paving. Mr. Wyman suggested that traffic control should be able to come up with a way to allow a certain number of cars to move and then alternate. Mr. Carr has suggested either numbers of cars or a certain amount of time; however, it is the decision of the flagging company. Mr. Carr will reach out to Casella again concerning this issue. Mr. Carr stated there is a lot of equipment moving that happens when paving.

Mr. Guiles stated the lack of lines on the road could cause issues and asked now that the temperatures are warmer if it would be possible to have the lines painted. Bernie Carr reported line painting is on the list of items scheduled to be done. He noted that the ground temperature and the rain have caused delays in this item; however, the contractor is aware that this is an issue.

Doug Bailey asked when the night work would be started. Bernie Carr reported it will start towards the end of the next two weeks. Mr. Carr received an email that the Bridge 114 project will be starting tomorrow. They will be pushing the jersey barriers out and reskirting the road while they work in that area. Mr. Bailey questioned whether there is other clean-up required in the Churchill Bridge area. Dave Atherton advised there is roadwork that will be needed and the Forest Service also has work to do in that area.

#### **4. Public Comment and Participation**

Stephanie Jerome, State Representative for Brandon, Pittsford and Sudbury, provided a legislative update. One of the major issues coming up will be the raising of minimum wage to \$15.00/hour to go into effect in 2024. Last week there was a hearing on the Constitutional amendment on reproductive rights. The 2-cent fuel tax has gone to the Senate. Ms. Jerome is a member of the Commerce and Economic Development Committee and they are looking into co-education opportunities. There is a worker crisis in the State and there will be discussions regarding career training and technical training that could fit some of the needs the State has for health care, construction and manufacturing. The Legislature is anticipating a mid-May adjournment.

Dick Kirby asked when the Route 73 construction will begin as the sign indicates April 22<sup>nd</sup>. It was noted that the State will be doing the work from the top of the mountain down. Mr. Hopkins stated the Town will receive weekly updates once the work has started.

#### **5. Approve Revolving Loan for the 802 Store & Deli**

Bill Moore, Brandon's Economic Development Officer, was present to discuss the revolving loan fund application for The 802 Store & Deli on behalf of the applicants. Mr. Moore advised the applicants currently live in Texas and are looking to relocate to Brandon. The applicants met with the Revolving Loan Fund Committee and the Committee was impressed with their proposal and unanimously approved the loan request. The loan would be at a rate of 3.5% amortized at a 15-year rate with a balloon at 4 years. They will be looking to purchase the business of Dave's Forestdale Grocery. Mr. Moore provided an overview of their planned proposal. Mr. Moore advised they are community-minded people who originally lived in Vermont before relocating to

Texas. They plan to live on-site as storekeepers in the apartment above the Forestdale Post Office. They flew up and presented to the Revolving Loan Fund Committee, but were unable to attend the Select Board meeting.

**Motion** by Tim Guiles/Tracy Wyman to approve the Revolving Loan application for Todd and Maribeth Lagendyk for The 802 Store & Deli in the amount of \$50,000.00 with terms of 3.5% amortized at a 15-year rate with a balloon at 4 years. **The motion passed unanimously.**

Doug Bailey agreed with approval of the loan but wanted to be sure the Town has a recorded lien interest on the items listed by the applicants, as well as the endorsement of the cosigner, as the funding is light by the purchasers that will be going towards the business. The assets give the Town the backing. Mr. Moore stated this was detailed in the letter sent to the applicants.

Mr. Moore expressed his gratitude to the Revolving Loan Fund Committee for the time they spent on this application. Mr. Wyman provided Mr. Moore a picture of the store that dated back to the 1930's when it was Bird's Store. Seth Hopkins asked if there is capital remaining in the Revolving Loan Fund. Mr. Moore reported the remaining balance after funds are dispersed for this transaction would be \$68,000.00. He noted if all loans were paid in full tomorrow, the Fund would have \$344,000.00. All are honoring their agreements and with the latest loans approved, automated electronic payments are being made. Mr. Bailey questioned whether the Loan Committee takes minutes at their meetings. Mr. Moore advised the Revolving Loan Committee provides a written recommendation, which is provided to Select Board and the applicant, to assure the conditions of the loan are met.

## **6. Consider TH 57 Reclassification or Discontinuance**

Seth Hopkins reported there was a site visit and hearing held on April 8<sup>th</sup> and the Select Board is obligated to act on this item within 30 days. Mr. Hopkins provided five possibilities, as he understands them, after talking with the Public Works Manager: 1) bring the Class 4 road to standard that would require investment and permitting; 2) leave the road as a Class 4 "not up to standard"; 3) make it a pent road with a locked gate and provide the landowners keys to access their property that would be at the landowners expense; 4) reclassify the road as a legal trail with no vehicles allowed; or 5) discontinue and throw up the road entirely.

**Motion** by Doug Bailey/Tracy Wyman to take no action on this item so that the TH 57 Road remains as a Class 4 road "not up to standard".

Doug Bailey stated the Town does not have the funds to bring it up to standard and there has not been a request to make it a pent road. A trail would not allow the landowners to drive their vehicles on it and the correspondences that he received have requested there be no action taken. Dave Atherton advised the upgrade would be impossible to do, as the Town would not be able to obtain the permits because of the wetland areas. Mr. Bailey thought that going to a trail could potentially hurt the Town in the future.

Paul Stone noted concern with leaving it a Class 4 road, as it his understanding that the Town needs to maintain the road for the use of the landowners and he asked how the Town would do

that considering the disrepair of the road and the washed out culverts. Seth Hopkins stated it is noted in the Select Board manual that the Town is not required to maintain Class 4 roads, except as public convenience requires. Mr. Stone thought there is a requirement, particularly with regard to culverts. Tim Guiles advised he lived on a Class 4 road and his experience was the Town did not have to do anything to the road. Mr. Guiles asked if there is a possibility to designate a trail that would allow limited vehicle use. Mr. Hopkins noted Mr. Burlett has professional knowledge and has indicated a trail can take no vehicle traffic. Tracy Wyman advised there is a legal trail from Van Cortland Road to Sugar Hollow. When logging in that area, Mr. Wyman was required to obtain permission to use the trail because no vehicle traffic was allowed. Mr. Hopkins was familiar with other trails that do not allow for vehicles. Paul Stone did not think that research had been done and questioned if this was properly laid out as a road. Mr. Stone had a 1902 geological survey map and deed to his property that do not describe a road. They show his property boundary on the north as the Otter Creek. Dave Atherton stated this road was shown as a Class 4 highway on the VTrans maps. At some point, the State classified it as a Class 4 road and if it was not a proper classification, it would not be on the maps. Mr. Stone was concerned with the definition of a vehicle and whether it includes 4-wheelers and snowmobiles. He hoped it would be reclassified as a trail, as it would be advantageous to him and the Conservation Service. Mr. Stone noted the property will eventually go to the State as a wildlife area. Mr. Atherton advised he spoke to a representative from ANR about this situation and was advised that because the Class 4 road has set for so long, even if the Town wanted to bring it up to standard, it could not happen due to the wetland permit requirements. The representative thought that no action would be the best solution, as declassification would affect the landowners and by no action, it fits the criteria for people getting to their property. Mr. Hopkins noted the Select Board has weighed everything, including the public sentiment. Mr. Stone stated the road ends at the Sudbury line, and whoever goes through cannot go all the way.

**The motion passed unanimously.**

## **7. Fiscal**

### ***a) General Fund Warrant – April 22, 2019 - \$55,010.33***

**Motion** by Brian Coolidge/Tracy Wyman to approve the warrants of April 22, 2019 in the amount of \$55,010.33. **The motion passed unanimously.**

### ***b) Route 7 Construction Warrant – April 22, 2019 - \$329,225.40***

**Motion** by Doug Bailey/Brian Coolidge to approve the Route 7 Construction warrant in the amount of \$329,225.40. **The motion passed with one abstention – Tracy Wyman.**

### ***c) Bridge 114 Warrant – April 22, 2019 - \$945.00***

**Motion** by Brian Coolidge/Tracy Wyman to approve the Bridge 114 warrant in the amount of \$945.00. **The motion passed unanimously.**

The Select Board recessed at 7:44PM.

The Select Board reconvened at 7:59PM

**Motion** by Doug Bailey/Brian Coolidge to enter into executive session at 7:58PM in accordance with 1 VSA 313(a) (3) – the appointment or employment or evaluation of a public officer or employee, with the session to include the Town Manager. **The motion passed unanimously.**

#### **8. Executive Session**

The Select Board came out of executive session at 8:24PM. There were no actions required.

There was some general discussion about Segment 6 traffic problems. Tracy Wyman described very long waits (as long as a half-hour) going northbound on a late Friday afternoon. Dave Atherton explained that 3-5pm is our “rush hour” and that means a lot of people need to pass through town. Tim Guiles said that, on a Thursday afternoon, he experienced a 25-minute wait going northbound out of town. Tim went on to say that he feels that the flaggers are doing a good job by moving as many cars as possible through the construction zone as efficiently and safely as possible. Dave Atherton said that he will talk to Casella again to let them know of these recent wait experiences.

#### **9. Adjournment**

**Motion** by Brian Coolidge/Seth Hopkins to adjourn the Select Board meeting at 8:34PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary

## **Town Manager Report for weeks of April 27<sup>th</sup> and May 5<sup>th</sup>, 2019**

### **Union St Sidewalk:**

Waiting for release of funds from VTrans and FHA

### **Park Street:**

MOA signed by the Town between FHA, VTrans, and Historic Preservation.

Archeological surveys will need to be completed where crosswalks go through existing green areas.

### **Newton Road:**

Reviewed and signed the subgrant agreement with Two Rivers-Ottawaquechee Regional Commission. This is the additional 25% match for the first round of property buyouts.

The first property buyout closing is scheduled for May 24<sup>th</sup>.

### **Segment 6:**

Capital Rock will be finishing up night blasting in Segment C beginning of next week and moving into day work in Segment A on High St. This will involve the road closure of High St. until blasting is completed. Also one lane alternating on Rt 7 after High St.

Catamount excavation will be finishing up temp water in Segment C and moving into segment A. Segment A for Catamount will include support of blasters and scheduled water shut downs for temp water transfers on both High St and also Rt 7 the beginning of next week.

Begin sewer and water in Segment C the night of the 13<sup>th</sup> overlapping with Capital for a couple of nights to verify ledge removal is satisfactory. Continuing over to water until both are completed.

Begin work on Rt. 7 Segment D box cut as well as wrapping up West Seminary sewer and drainage.

Water shut downs will be coordinated the day prior to be more precise with notifications.

### **Bridge 114:**

Membrane installation and box cut starting this week. This will be night work.

### **Other Happenings:**

McConnell Road paving grant has been approved. We will be completing ditching, culvert work and wheel rut damage in house. Will schedule paving sometime in July.

The Churchill Road Culvert project historic review has been completed and there were no findings.

Prepared and submitted the EVSE grant for a proposed charging station at the 7 Conant Square parking area (lot behind the Mobil Station)

Completed Red Cross shelter inspections on May 6, 2019. Our 3 shelters are Neshobe School, Otter Valley Union High School and American Legion Post 55.

I will be out of the office from May 15-17 to attend a PACIF conference.

The Local Emergency Management Plan has been approved by the State.

"No Thru Trucks" signs have been ordered for Town Farm Rd, Wheeler Rd, Richmond Rd and Lover's Lane.

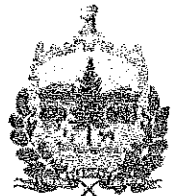
**Other items will be covered in the agenda.**





VERMONT

STATE OF VERMONT  
AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Salvage Yard Program  
1 National Life Drive, Davis 1, Montpelier, VT 05620-3803



**CERTIFICATE OF APPROVAL FOR LOCATION OF A SALVAGE YARD**

The application of THUNDER TOWING + AUTO RECOVERY whose address is  
126 PAINT WORKS ROAD BRANDON, VT 05733  
dated May 2, 2019 to locate a junkyard on the land and premises in the city/town of  
BRANDON owned by GARY J. LOWELL  
and described as follows Parcel #0083-1480

has been duly heard and acted upon by the SELECT BOARD  
(City Council, Selectboard, Trustees)

of said BRANDON pursuant to the provisions of 24 V.S.A., §§ 2251- 2257

the same is approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

The certificate is valid for 5 years from date of issuance, subject to the provisions  
(1 through 5)

of State Statute or Municipal Ordinance presently or hereafter appertaining thereto. This  
certificate is for the exclusive use of the named applicant and is not assignable.

The application fee of \$25.00 and all other assessments authorized by 24 V.S.A. §2256 have  
been paid.

Selectboard  
(City Council, Selectboard, Board of Trustees)

of the City/Town/Village of Brandon

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CONFLICT OF INTEREST POLICY

### Town of Brandon

**Article 1. Authority.** Under the authority granted in 24 V.S.A. § 2291(20), the selectboard of the Town of Brandon hereby adopts the following policy concerning conflicts of interest.

**Article 2. Purpose.** The proper operation of government requires that Public Officials and Employees be independent, impartial, and responsible to their constituents; that decisions and policy be made in proper channels of the government structure; that public office not be used for personal gain; that no public official of the Town shall gain a personal or pecuniary advantage from his or her work for the Town; and that the public have confidence in the integrity of its Town government, public officials, and employees.

**Article 3. Application.** Except as provided herein, this policy applies with regard to any official act or action taken by any public official of the Town of Brandon. This policy shall not apply in the following situations:

1. Any quasi-judicial proceeding covered by the Vermont Municipal Procedures Act, or by other specified rules of procedure, shall be governed by the conflict of interest rules and ethical standards of that Act or procedure.
2. Any employee who is part of any collective bargaining unit and covered by any collective bargaining agreement shall be governed by the provisions of such agreement. Notwithstanding, to the extent the provisions of this policy are not inconsistent with any applicable collective bargaining agreement, the provisions of this policy shall also apply.
3. Performance of ministerial duties. Public officials may act in situations involving the performance of a non-discretionary or ministerial duty.
4. Matters involving public safety. Public officials may act appropriately in matters requiring prompt action involving public safety, health, or welfare.

**Article 4. Definitions.** For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A direct personal and/or financial interest of a public official, his or her immediate family or household member or business associate in the outcome of a cause, policy, particular matter, proceeding, application or any other matter pending before the official or before the public body in which he or she holds office or is employed;
2. A situation where a public official has publicly displayed a prejudgment of the merits of a quasi-judicial proceeding, application, or proposed action involving the adjudication of competing interests. ~~This shall not apply to a member's general political views or opinions on matters of general applicability; and~~
3. Conflict of interest does not arise in the case of votes or decisions on matters in which the public official or employee has a personal or pecuniary interest in the outcome no greater than that of other persons generally affected by the decision, such as adopting a bylaw, policy, or setting a tax rate.

- B. **Emergency** means an urgent or imminent threat or peril to the public health, safety or welfare.
- C. **Official act or action** means any legislative, administrative, or judicial act performed by any elected or appointed official or employee while acting on behalf of the municipality.
- D. **Public body** means any board, council, commission or committee of the municipality.
- E. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- F. **Public official** means a person elected, appointed, or employed by the Town of Brandon.
- G. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to question witnesses presented by other parties, which results in a written decision, the result of which is appealable by a party to a higher authority.
- H. **Business associate** means any person who is a partner in a partnership or joint venture or similar association with the public official or employee, or any member of that public official or employee's immediate family or household; a shareholder or member of a corporation or limited liability company in which the public official or an immediate member of the public official or employee's immediate family or household is at least a 10% shareholder or member; or any person with whom the public official or employee or any member of his or her immediate family or household has a significant commercial relationship.
- I. **Immediate family member or household member** means any person with whom the public official lives/resides, the public official or employee's spouse, civil union or life partner, children (including stepchildren and foster children), brother, sister, mother father, and any in-laws.

#### **Article 5. Disqualification.**

- A. A public official shall not participate in any official act or action if he or she has a conflict of interest concerning the matter under consideration. It is the responsibility of each public official to recuse him or herself from any matter in which he or she has a conflict of interest as soon as any conflict of interest becomes apparent. A public official who has recused him or herself from a proceeding shall not sit with the public body, deliberate with the public body, or participate in that matter as a member of the public body in any capacity. An appointed public official or employee shall notify his or her supervisor or the chair of the applicable public body, as the case may be, of his or her inability to act on the matter.

1. If a previously unknown conflict is disclosed or discovered, the public body may recess to appropriately address the conflict. The public body may continue the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the body. The public board may then resume the proceeding with sufficient members present.

- B. In a quasi-judicial proceeding, a public official shall not initiate any ex parte communication with a party to that proceeding concerning the matter under

consideration. In the case where a public official is in receipt of any ex parte communication, such communication shall be fully disclosed to all other parties to the proceeding and to all other members of the public body.

C. A public official shall not personally, or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the public body in which the official holds office or is employed.

D. Public officials shall not accept gifts or other offerings for personal gain by virtue of their public office that are not available to the public in general.

E. Public officials shall not use resources not available to the general public, including but not limited to town staff time, equipment, supplies, or facilities for private gain or personal purposes.

**Article 6. Disclosure of de minimus or uncertain conflicts.** A public official who believes that he or she has or may have a conflict of interest as defined herein but believes that the conflict is so remote, de minimus, or uncertain that he or she is able to act fairly, objectively, and in the public interest in spite of the potential conflict shall, prior to participating in any official act or action on the matter, disclose to the chair of the public body or to his or her supervisor the nature of the conflict. In such case, the official's supervisor or the public body which appointed that public official may take such action as is appropriate, which may include a direction or order that the official recuse him or herself from the matter, subject to applicable law.

**Article 7. Implementation and Enforcement Procedures.**

A. Any person may request that a public official recuse him or herself from a particular act or proceeding due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself.

1. Such request must be made in writing and submitted to the chairperson of the public body, or the official's supervisor, as the case may be. The request shall include a statement detailing how the public official's participation meets the definition of conflict of interest, and must be signed by the person making the request. The chairperson/supervisor will then speak with the official to review the request. If the chairperson of any public body is uncertain whether a conflict of interest exists, the public body may investigate the matter and decide by majority vote. In any case where the official's supervisor is uncertain, the matter shall be decided by the Town Manager.

2. The chairperson of any public body or Town Manager may also refer any question regarding a conflict of interest to the Selectboard, whose decision shall be final.

3. Any conflict of interest that may involve the chair of any public body shall be brought to the vice chair.

B. If it is determined, following the procedures of Article 7(A), that the public official does have a conflict of interest as defined herein, the public official shall be expected to disqualify him or herself as provided by Article 5 (A).

C. In cases where the public official has not recused her/himself after the procedures set forth in Article 7(A) and (B) have been followed, the Selectboard may take progressive action in the following order:

1. The chair shall meet informally, in private, with the public official to discuss possible conflict of interest violation.
2. The board may meet to discuss the conduct of the public official. Executive session may be used for such discussion, in accordance with 1 V.S.A. § 313(4). The public official may request that this meeting occur in public. If appropriate, the board may admonish the public official in private.
3. If the board decides that further action is warranted, the board may admonish the public official at an open meeting and reflect this action in the minutes of the meeting. The public official shall be given the opportunity to respond to the admonishment.
4. The board may take such other and further action as is warranted under the circumstances.
  - a. In the case of an official appointed by the Selectboard, the board may order that the official recuse him/herself from the matter, may request that the public official resign, or may remove such official, subject to applicable law.
  - b. In cases involving an employee, the board may request that the Town Manager take specific disciplinary action, subject to the requirements of any collective bargaining agreement, if applicable.

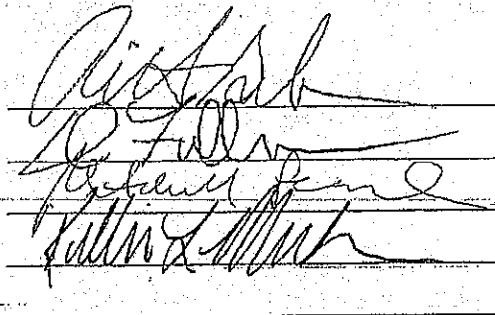
5. Upon majority vote the Selectboard may request that the public official resign.

D. Any person making a request pursuant to Article 7 (A) shall be notified of the proceedings and any actions taken thereon; provided, however, that (1) in the case of the action of any public body, the published warnings and minutes of such body shall constitute sufficient notice; and (2) in the case of an employee subject to any collective bargaining agreement, the terms of such agreement shall govern.

**Article 8. Exception.** The recusal provisions of this Policy shall not apply if the Selectboard determines that an emergency exists and that actions of the public body or official are necessary and otherwise could not take place. In such cases, any public official who has reason to believe he or she has a conflict of interest shall fully and completely disclose such conflict to his or her supervisor, or to the chair of the public body as the case may be.

**Article 9. Effective Date.** This policy shall become effective immediately upon its adoption by the Town of Brandon selectboard.

Signatures:



Adopted by the Town of Brandon Selectboard at its regular meeting on May 10, 2010.

MLP rev #4-B (5/9/10) to KM Draft #3

A true record made this 3rd day of June, A.D. 2010

Attest: 11/11/2010 A.D. Dick

Policy Regarding Conflicts of Interest and Ethical Conduct  
For the Town of Brandon  
May 2019

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**Article 1. Authority.** Under the authority granted in 24 V.S.A. § 2291(20), the Town of Brandon hereby adopts the following policy concerning conflicts of interest and ethical conduct.

**Article 2. Purpose.** The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in its officers will be preserved. It is also the intent of this policy to ensure that all decisions made by public officers are based on the best interests of the municipality.

**Article 3. Application.** This policy applies to all individuals elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions of the Town of Brandon.

**Article 4. Definitions.** For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A real or seeming incompatibility between a public officer's private interests and his or her public or fiduciary interests to the municipality he or she serves. A conflict of interest arises when there is a direct or indirect personal or financial interest of a public officer or a person or group closely tied with the officer including his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or employer or employee in the outcome of an official act or action, or any other matter pending before the officer or before the public body in which the public officer holds office. A conflict of interest may take any of the four following forms:
  - a. A direct financial conflict of interest arises when a public officer acts on a matter that has a direct financial impact on that officer.
  - b. An indirect financial conflict of interest arises when a public officer acts on a matter that has a financial impact on a person or group closely tied to the officer.
  - c. A direct personal conflict of interest arises when a public officer acts on a matter that has a direct impact on the officer in a non-financial way but is of significant importance to the officer.
  - d. An indirect personal conflict of interest arises when a public officer acts on a matter in which the officer's judgment may be affected because of a familial or personal relationship or membership in some organization and a desire to help that person or organization further its own interests.
2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.
3. A situation where a public officer has not disclosed ex parte communication(s) related to a quasi-judicial proceeding that is before the body to which that officer belongs.

A "conflict of interest" does not arise in the case of an official act or action in which the public officer has a personal or financial interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

- B. **Emergency** means an imminent threat or peril to the public health, safety, or welfare.
- C. **Ex Parte Communication** means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.
- D. **Official act or action** means any legislative, administrative or quasi-judicial act performed by any public officer while acting on behalf of the municipality. This term does not apply to ministerial acts or actions wherein no discretionary judgment is exercised.
- E. **Public body** means any board, council, commission, or committee of the municipality.
- F. **Public interest** means an interest of the municipality, conferred generally upon all residents of the municipality.
- G. **Public officer** means a person elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions for the municipality. This term does not include municipal employees.
- H. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

#### **Article 5. Prohibited Conduct.**

- A. A public officer shall not participate in any official act or action if he or she has a conflict of interest, whether real or perceived, in the matter under consideration.
- B. A public officer shall not personally – or through any member of his or her household, business associate, employer or employee – represent, appear for, or negotiate in a private capacity on behalf of any person or organization that has an interest in an official act or action pending before the public body in which the public officer holds office.
- C. A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.
- D. A public officer will not request or accept any reward, gift, or favor for taking an official act or action or advocating for or against an official act or action.
- E. A public officer shall not use resources unavailable to the general public – including but not limited to municipal staff time, equipment, supplies, or facilities – for private gain or personal purposes.
- F. A public officer who is a member of a public body shall not give the impression that he or she has the authority to make decisions or take actions on behalf of that body.

**Article 6. Disclosure.** A public officer who, while serving on a public body, may have a conflict of interest, whether real or perceived, in a matter under consideration by that public body shall, prior to taking an official act or action or participating in any official act or action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and

disclose the nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to a conflict of interest, whether real or perceived.<sup>1</sup>

**Article 7. Consideration of Recusal.** Once there has been a disclosure of an actual or perceived conflict of interest, other public officers shall be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing conducted by a public body of the municipality, the public body shall take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

#### **Article 8. Recusal.**

- A. **Recusal of Appointed and Elected Officers.** After taking the actions listed in Articles 6 and 7, a public officer, whether appointed or elected, shall declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest.<sup>2</sup> Otherwise, the public officer shall recuse him or herself from the matter under consideration. A public officer that recuses him or herself may, but not must, explain the basis for that decision.
- B. **Recusal of Appointed Officers.** The failure of an appointed public officer to recuse himself or herself in spite of a conflict of interest, whether real or perceived, may be grounds for discipline or removal from office.<sup>3</sup>

**Article 9. Recording.** The minutes of the meeting or the written decision / minutes from the meeting / hearing shall document the actions taken in Articles 6 through 8.

#### **Article 10. Post-Recusal Procedure.**

- A. A public officer who has recused himself or herself from participating in an official act or action by a public body shall not sit with the public body, deliberate with the public body, or participate in the discussions about that official act or action in any manner in his or her capacity as a public officer, though such member may still participate as a member of the public or private party, if applicable.
- B. The public body may adjourn the proceedings to a time, date, and place certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

#### **Article 11. Enforcement.**

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<sup>1</sup> Such request shall not be considered an order for the officer to recuse him or herself.

<sup>2</sup> Each member of an elected public body is independently elected and answers only to the voters. Therefore, unless there is a local ordinance or charter provision that states otherwise, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately.

<sup>3</sup> Certain appointed public officers such as a Zoning Administrator and members of the Zoning Board of Adjustment or Development Review Board may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard.



**A. Enforcement Against Elected Officers; Consequences for Failure to Follow the Conflict of Interest Procedures.** In cases in which an elected public officer has engaged in any of the prohibited conduct listed in Article 5, or has not followed the conflict of interest procedures in Articles 6 through 10, the Select Board may, in its discretion, take any of the following disciplinary actions against such elected officer as it deems appropriate:

1. The chair of the Select Board may meet informally with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and the public officer together constitute a quorum of a public body.
2. The Select Board may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The public officer may request that this meeting occur in public. If appropriate, the Select Board may admonish the offending public officer in private.
3. The Select Board may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Select Board may request (but not order) that the offending public officer resign from his or her office.

**B. Enforcement Against Appointed Officers.** The Select Board may choose to follow any of the steps articulated in Article 11A. In addition to or in lieu of any of those steps, the Select Board may choose to remove an appointed officer from office, subject to state law.

**Article 12. Exception.** The recusal provisions of Article 8 shall not apply if the Select Board determines that an emergency exists or that actions of a quasi-judicial public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall only be required to disclose such conflict as provided in Article 6.

**Article 13. Effective Date.** This policy shall become effective immediately upon its adoption by the Town of Brandon Select Board

Signatures:

\_\_\_\_\_  
Seth Hopkins

\_\_\_\_\_  
Brian Coolidge

\_\_\_\_\_  
Tim Guiles

\_\_\_\_\_  
Tracy Wyman

\_\_\_\_\_  
Doug Bailey

Date: \_\_\_\_\_

**STATE OF VERMONT**

**SUPERIOR COURT**

**ENVIRONMENTAL DIVISION  
Docket No.**

**SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
Plaintiff**

**v.**

**TOWN OF BRANDON,  
Respondent**

**VIOLATIONS**

1. 10 V.S.A. § 1259 and Discharge Permit No. 3-1196 § II.A.1: unpermitted discharge of waste into State waters
2. Discharge Permit No. 3-1196 § II.A.2: failure to timely notify Agency of noncompliance

**ASSURANCE OF DISCONTINUANCE**

Pursuant to the provisions of 10 V.S.A. § 8007, the Secretary (Secretary) of the Agency of Natural Resources (Agency) and the Town of Brandon (Respondent or Town), hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

**STATEMENT OF FACTS AND DESCRIPTION OF VIOLATION**

1. Respondent owns and operates the Brandon Wastewater Treatment Facility (the "WWTF").
2. Discharge Permit No. 3-1196 (the "Permit"), authorizes Respondent to discharge effluent into the Neshobe River that does not exceed the limitations set forth in the Permit.
3. In the early morning hours of February 22, 2018, there was a rupture in a section of Town sewer line submerged within the Neshobe River.
4. The ruptured occurred to a twelve-inch-diameter sewer line that was installed around 1960

and served approximately ninety percent (90%) of the Town.

5. The rupture was likely caused as periodic high flows dislodged sediment in the Neshobe River over time, slowly altering the river course and exposing the pipe. The Town last examined the condition of the river crossing five to seven years prior.
6. The rupture resulted in the discharge of untreated sewage directly into the Neshobe River and the inundation of the WWTF by river water.
7. Due to a nonfunctioning alarm at the WWTF, the Town did not identify the inundation until staff arrived at the WWTF a few hours later that morning.
8. To investigate the source of the inundation, the Town checked manholes in the vicinity of recent installations to the system and examined lines in the swamp and wetland areas. The Town did not immediately examine river crossings in the sewer system.
9. In the course of the investigation, the Town discovered a sinkhole and repaired another section of broken pipe in the sewer system; however, this repair did not eliminate the inundation of the WWTF by river water.
10. On March 6, 2018, the Town discovered the ruptured sewer line in the Neshobe River and installed a pump and hosing to bypass the broken section while repairs were completed.
11. On March 7, 2018, the Town notified the Agency of the inundation at the WWTF and the discharge of untreated sewage into the Neshobe River.
12. On March 7, 2018, the Town also completed the replacement of the broken section of twelve-inch-diameter sewer line.
13. Between February 22 and March 6, 2018, the Town released between 3.96 and 4.75 million gallons of untreated sewage directly into the Neshobe River.
14. The Agency alleges that the above conduct constitutes a violation of 10 V.S.A. § 1259 and Discharge Permit No. 3-1196 §§ II.A.1 and II.A.2.
15. Respondent admits the factual findings described above solely for purposes of resolving this case.

### AGREEMENT

Based on the foregoing Statements of Facts and Description of Violation, the parties agree as follows:

- A. For the violations described above, Respondent shall pay a total penalty of \$ 12,000.00.

Payment shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to:

Administrative Assistant  
Agency of Natural Resources  
Environmental Compliance Division  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3803

Payment shall be received no later than thirty (30) consecutive calendar days following the date this Assurance is entered as an Order by signature of the Environmental Division of the Superior Court (the Effective Date).

- B. Without formally admitting or denying wrongdoing or liability, Respondent agrees to this settlement of the violations alleged above in order to resolve all outstanding disputes.
- C. Respondent agrees that the violations alleged are deemed proved and established as a "prior violation" in any future state proceeding that requires consideration of Respondent's past record of compliance, such as permit review proceedings and calculating civil penalties under 10 V.S.A. § 8010.
- D. The State of Vermont and the Agency reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and violations set forth herein above.
- E. Nothing in this Assurance shall be construed as having relieved, modified, or in any manner

affected the Respondent's on-going obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the Respondent in the operation of its business.

- F. This Assurance shall become effective only after it is signed by all parties and entered as an order of the Environmental Division of the Superior Court (the "Effective Date"). When so entered by the Environmental Division, this Assurance shall become a judicial order. In the event that such order is vacated, this Assurance shall be null and void.
- G. Respondent shall not be liable for additional civil or criminal penalties with respect to the specific sites and facts described herein occurring before the Effective Date of the Assurance, provided that Respondent fully complies with the agreements set forth above.
- H. This Assurance sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties hereto or their legal representatives and incorporated in an order issued by the Environmental Division. Alleged representations not set forth in this Assurance, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.
- I. Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A. Chapters 201 and/or 211.
- J. This Assurance is subject to the provisions of 10 V.S.A. §§ 8007 and 8020.

*[Signature pages follow.]*

**SIGNATURES**

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted. Further, we, the undersigned, hereby state under oath that we are all of the members of the Town of Brandon Select Board and are authorized to represent the Town of Brandon, that we have the power to contract on behalf of the Town, and that we are duly authorized to enter into the foregoing Assurance of Discontinuance on behalf of the Town.

Dated at Brandon, Vermont, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Town of Brandon**

By: \_\_\_\_\_  
Seth Hopkins, Select Board Chair

STATE OF VERMONT  
COUNTY OF RUTLAND, SS.

At Brandon, Vermont this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the above signatory personally appeared and swore to the truth of the foregoing and acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Town of Brandon. Before me,

\_\_\_\_\_  
Notary Public

Term Expires: \_\_\_\_\_

Dated at Brandon, Vermont, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Town of Brandon**

By: \_\_\_\_\_  
Doug Bailey, Select Board Vice-Chair

STATE OF VERMONT  
COUNTY OF RUTLAND, SS.

At Brandon, Vermont this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the above signatory personally appeared and swore to the truth of the foregoing and acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Town of Brandon. Before me,

\_\_\_\_\_  
Notary Public

Term Expires: \_\_\_\_\_

Dated at Brandon, Vermont, this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

**Town of Brandon**

By: \_\_\_\_\_  
Tracy Wyman, Select Board

STATE OF VERMONT  
COUNTY OF RUTLAND, SS.

At Brandon, Vermont this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the above signatory personally appeared and swore to the truth of the foregoing and acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Town of Brandon. Before me,

\_\_\_\_\_  
Notary Public

Term Expires: \_\_\_\_\_



Dated at Brandon, Vermont, this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

**Town of Brandon**

By: \_\_\_\_\_  
Brian Coolidge, Select Board

STATE OF VERMONT  
COUNTY OF RUTLAND, SS.

At Brandon, Vermont this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the above signatory personally appeared and swore to the truth of the foregoing and acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Town of Brandon. Before me,

\_\_\_\_\_  
Notary Public

Term Expires: \_\_\_\_\_

Dated at Brandon, Vermont, this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

**Town of Brandon**

By: \_\_\_\_\_  
Tim Guiles, Select Board

STATE OF VERMONT  
COUNTY OF RUTLAND, SS.

At Brandon, Vermont this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the above signatory personally appeared and swore to the truth of the foregoing and acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Town of Brandon. Before me,

\_\_\_\_\_  
Notary Public

Term Expires: \_\_\_\_\_

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at Montpelier, Vermont, this \_\_\_\_\_, day of \_\_\_\_\_ 2019.

SECRETARY, AGENCY OF NATURAL RESOURCES

By: \_\_\_\_\_

Emily Boedecker, Commissioner  
Department of Environmental Conservation

05/10/19

02:10 pm

## TOWN OF BRANDON Accounts Payable

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Check Warrant Report # 63182 Current Prior Next FY Invoices

Luanne

All Invoices For Check Acct 01(10 General Fund) 05/13/19 To 05/13/19

Vendor		Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
310707	ADVANCED ANALYTICAL SOLUT	04/20/19	annual testing 24039	20-5-55-30120 Professional Supplies	197.00	46708	05/13/19
310590	AMERICAN WINDOW CLEANING	05/01/19	april windows 2012	10-5-22-43100 Town Office	50.00	46709	05/13/19
300541	ARC RUTLAND AREA	05/01/19	appropriation MAY 2019	10-5-25-70330 ARC of Rutland	875.00	46710	05/13/19
100598	AUBUCHON HARDWARE	04/25/19	pipe wrenches 1623721500	20-5-55-41110 New Equipment-Misc Tools	35.98	46711	05/13/19
100598	AUBUCHON HARDWARE	04/25/19	air hose 1623721501	10-5-15-41160 HW Maint. Supplies-Vehicl	10.36	46712	05/13/19
100598	AUBUCHON HARDWARE	04/25/19	washers, screws 1623721504	46-5-50-70100 Seg 6 Marketing	11.98	46713	05/13/19
100655	BLSG INSECT CONTROL DISTR	05/01/19	appropriation MAY 2019	10-5-17-71800 Mosquito Control	6910.62	46714	05/13/19
100190	BLUE SEAL FEEDS	04/17/19	rakes 329-6564	10-5-22-43160 Parks Maint.	43.96	46715	05/13/19
100900	BONAVITA, FRANK	05/01/19	r.e. tax refund 0086-0053	10-2-00-02120 Anticipated Tax Credits	514.87	46716	05/13/19
100245	BRANDON AREA CHAMBER OF C	05/01/19	appropriation MAY 2019	10-5-25-70140 Chamber of Commerce	250.00	46717	05/13/19
100305	BRANDON AREA RESCUE SQUAD	05/01/19	appropriation MAY 2019	10-5-25-70130 Brandon Rescue Squad	5183.75	46718	05/13/19
100255	BRANDON FIRE DISTRICT #1	04/29/19	Smith Block Water connect 4/29/19	10-4-10-04320 Misc. Revenue	5988.98	46702	04/29/19
Naylor & Breen paid sewer and water in one check. Sewer - \$9,434.40; Water - \$5,988.98.							
100275	BRANDON FREE PUBLIC LIBRA	05/01/19	appropriation MAY 2019	10-5-25-70470 Brandon Library	7666.67	46719	05/13/19
100625	BRANDON INDEPENDENCE DAY	05/01/19	appropriation MAY 2019	10-5-25-70110 BIDCC -4th of July Com.	1500.00	46720	05/13/19
100280	BRANDON LUMBER & MILLWORK	04/17/19	rakes & shovel 762333/3	10-5-15-41110 New Equipment-Misc. Tools	75.97	46721	05/13/19
100280	BRANDON LUMBER & MILLWORK	04/26/19	trash bags 762557/3	10-5-22-43170 Trash costs-Transfer Stat	29.98	46721	05/13/19
100280	BRANDON LUMBER & MILLWORK	04/26/19	bit drill 762560/3	10-5-22-43080 Highway Bldg Maint	4.59	46721	05/13/19
100280	BRANDON LUMBER & MILLWORK	04/30/19	padlock 762653/3	10-5-22-43080 Highway Bldg Maint	8.99	46721	05/13/19
100280	BRANDON LUMBER & MILLWORK	05/02/19	tap plug, tarp 762723/3	10-5-22-43080 Highway Bldg Maint	16.88	46721	05/13/19
100280	BRANDON LUMBER & MILLWORK	05/03/19	fastener 762734/3	10-5-22-43080 Highway Bldg Maint	0.50	46721	05/13/19
200218	BRANDON REPORTER	05/10/19	conant square conveyance 4-29-19	10-5-10-30310 Legal Advertising	104.00	46722	05/13/19
100310	BRANDON SENIOR CITIZENS C	05/01/19	appropriation MAY 2019	10-5-25-70480 Senior Citizen Center	1125.00	46723	05/13/19
100860	CARROLL, BOE & PELL P.C.	04/18/19	Appeal of BLSG Permit 32693	10-5-10-21110 Legal Services	240.00	46724	05/13/19
100860	CARROLL, BOE & PELL P.C.	05/07/19	George Dinn Property 32731	10-5-10-21110 Legal Services	35.00	46724	05/13/19

05/10/19  
02:10 pm

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63182 Current Prior Next FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 05/13/19 To 05/13/19

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Luanne

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
100860	CARROLL, BOE & PELL P.C.	04/30/19 appeal of BGLS permit 32745	10-5-10-21110 Legal Services	240.00	46724	05/13/19
100860	CARROLL, BOE & PELL P.C.	04/30/19 dispute with ANR 32746	20-5-55-21110 Legal Services	1180.00	46724	05/13/19
100860	CARROLL, BOE & PELL P.C.	04/30/19 Colburn employment issues 32747	10-5-10-21110 Legal Services	19.00	46724	05/13/19
100860	CARROLL, BOE & PELL P.C.	04/30/19 union matters 32748	10-5-10-21110 Legal Services	1480.00	46724	05/13/19
100860	CARROLL, BOE & PELL P.C.	04/30/19 miscellaneous legal 32749	10-5-10-21110 Legal Services	380.00	46724	05/13/19
100860	CARROLL, BOE & PELL P.C.	04/30/19 MT Associates appeal 32750	10-5-12-21111 Legal Services - zoning	720.00	46724	05/13/19
301503	CHAMPLAIN VALLEY FUELS	05/06/19 gasoline 176055	10-5-14-41130 Fuel - Vehicles	711.80	46725	05/13/19
301503	CHAMPLAIN VALLEY FUELS	04/25/19 gasoline 295811	10-5-14-41130 Fuel - Vehicles	1119.42	46725	05/13/19
301503	CHAMPLAIN VALLEY FUELS	04/25/19 diesel fuel 296059	10-5-15-41130 Fuel - Vehicles HW	1114.80	46725	05/13/19
100346	CLARK'S TRUCK CENTER	04/30/19 repair Internat- accident 63740	10-5-15-41180 HW Outside Maint. - Vehic	8498.57	46726	05/13/19
2011 International damaged in accident. paymt rec'd by Insurance 1/30/19 to 10415/04230.						
310097	COMCAST	04/27/19 service: 05/04 - 06/03 PD04/27/19	10-5-14-42100 PD Telephone Service	301.30	46727	05/13/19
310097	COMCAST	05/02/19 town office for May TO 4-27-19	10-5-10-42100 Telephone Exp. Admin.	457.42	46728	05/13/19
310097	COMCAST	05/01/19 waste water may WW 4-21-19	20-5-55-42100 Wastewater Telephone	184.34	46729	05/13/19
310037	CONSOLIDATED COMMUNICATIO	05/09/19 highway for May HW 5-6-19	10-5-15-42100 HW Telephone	72.90	46730	05/13/19
310037	CONSOLIDATED COMMUNICATIO	05/06/19 service: Apr 06 to May 05 PD05/06/19	10-5-14-42100 PD Telephone Service	45.09	46730	05/13/19
310177	COTE SYSTEMS, INC.	05/01/19 may host fee 127670	10-5-13-30123 Records Preservation	233.00	46731	05/13/19
310819	COUNTRY VILLAGE CAMPGROUN	04/29/19 Carnival RV site rental R000003365	10-5-18-61050 Brandon Carnival	700.00	46732	05/13/19
100494	ENDYNE INC	04/19/19 testing 295127	20-5-55-22120 Testing	22.00	46733	05/13/19
100494	ENDYNE INC	05/02/19 testing 296255	20-5-55-22120 Testing	68.00	46733	05/13/19
100494	ENDYNE INC	05/08/19 testing 296667	20-5-55-22120 Testing	101.00	46733	05/13/19
300187	FLORENCE CRUSHED STONE	04/20/19 rock fines 226475	10-5-15-46140 Gravel	384.39	46734	05/13/19
100925	FOLEY SERVICES INC	04/16/19 uniforms 1237048	10-5-15-10320 Clothing Allowance	48.73	46735	05/13/19
100925	FOLEY SERVICES INC	04/23/19 uniforms 1238409	20-5-55-10320 Clothing Allowance	21.73	46735	05/13/19
100925	FOLEY SERVICES INC	04/23/19 uniforms 1238411	10-5-15-10320 Clothing Allowance	49.16	46735	05/13/19

05/10/19

02:10 pm

## TOWN OF BRANDON Accounts Payable

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Check Warrant Report # 63182 Current Prior Next FY Invoices

Luanne

All Invoices For Check Acct 01(10 General Fund) 05/13/19 To 05/13/19

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
100925	FOLEY SERVICES INC	04/30/19 uniforms 1239743	20-5-55-10320 Clothing Allowance	21.73	46735	05/13/19
100925	FOLEY SERVICES INC	04/30/19 uniforms 1239745	10-5-15-10320 Clothing Allowance	49.16	46735	05/13/19
100925	FOLEY SERVICES INC	05/07/19 uniforms 1241111	20-5-55-10320 Clothing Allowance	21.73	46735	05/13/19
100925	FOLEY SERVICES INC	05/07/19 uniforms 1241113	10-5-15-10320 Clothing Allowance	49.16	46735	05/13/19
100900	FOSTER, CHARLES L & JOHNN	05/01/19 0023-0345 taxes over paid MAY 2019	10-2-00-02120 Anticipated Tax Credits	397.34	46736	05/13/19
310426	FYLES BROS., INC.	04/15/19 propane/WW boiler 167985	20-5-55-42110 LP Gas - Bldgs	475.31	46737	05/13/19
310426	FYLES BROS., INC.	04/15/19 propane/WW supply garage 167986	20-5-55-42110 LP Gas - Bldgs	134.13	46737	05/13/19
310426	FYLES BROS., INC.	04/29/19 propane - WW 169006	20-5-55-42110 LP Gas - Bldgs	182.99	46737	05/13/19
310426	FYLES BROS., INC.	05/01/19 propane - WW 170669	20-5-55-42110 LP Gas - Bldgs	1012.10	46737	05/13/19
310426	FYLES BROS., INC.	05/06/19 propane/WW small garage 174306	20-5-55-42110 LP Gas - Bldgs	54.09	46737	05/13/19
310426	FYLES BROS., INC.	05/02/19 installation of new tank 86994	20-5-55-20240 Contractors	7107.29	46737	05/13/19
100645	G STONE MOTORS INC	04/30/19 running board 33105	10-5-15-41180 HW Outside Maint. - Vehic	348.29	46738	05/13/19
100645	G STONE MOTORS INC	04/29/19 repairs/inspection 53236	10-5-15-41180 HW Outside Maint. - Vehic	225.68	46738	05/13/19
100650	GALLS LLC	04/12/19 shirt 012467474	10-5-14-10320 Clothing Allowance	65.68	46739	05/13/19
100650	GALLS LLC	04/23/19 pepper spray 012547469	10-5-14-30120 Professional Supplies	70.60	46739	05/13/19
330364	GOVERNMENT FINANCE OFFICE	05/01/19 sue's annual membership 4-3-2019	10-5-13-10340 Professional Development	160.00	46740	05/13/19
310239	GREEN MOUNTAIN BACKFLOW T	04/10/19 backflow device testing 001-2019	20-5-55-42150 Outside Maint. - Bldgs	90.00	46741	05/13/19
310239	GREEN MOUNTAIN BACKFLOW T	04/10/19 backflow device testing 001-2019	10-5-22-43100 Town Office	90.00	46741	05/13/19
100725	GREEN MOUNTAIN GARAGE	04/17/19 fittings, hose 135223	10-5-15-41160 HW Maint. Supplies-Vehicl	83.15	46742	05/13/19
100725	GREEN MOUNTAIN GARAGE	04/17/19 fittings, hose, cleaner 135239	10-5-15-41160 HW Maint. Supplies-Vehicl	192.70	46742	05/13/19
100725	GREEN MOUNTAIN GARAGE	04/18/19 windshield wipers 135264	10-5-15-41160 HW Maint. Supplies-Vehicl	36.98	46742	05/13/19
100725	GREEN MOUNTAIN GARAGE	04/25/19 storage container 135592	10-5-22-43120 Municipal Mowing	38.21	46742	05/13/19
100725	GREEN MOUNTAIN GARAGE	04/25/19 inspection 135611	20-5-55-41180 Maintenance-Vehicles	50.00	46742	05/13/19
100725	GREEN MOUNTAIN GARAGE	04/26/19 oil filter, grease 135645	10-5-15-41160 HW Maint. Supplies-Vehicl	35.68	46742	05/13/19
100725	GREEN MOUNTAIN GARAGE	04/29/19 hose, fittings 135769	10-5-15-41160 HW Maint. Supplies-Vehicl	123.17	46742	05/13/19

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100725	GREEN MOUNTAIN GARAGE	04/30/19 hose end fitting 135829	20-5-55-41180 Maintenance-Vehicles	12.57	46742	05/13/19
100725	GREEN MOUNTAIN GARAGE	05/03/19 oil filters 135950	10-5-15-41160 HW Maint. Supplies-Vehicl	61.99	46742	05/13/19
100725	GREEN MOUNTAIN GARAGE	05/07/19 windshield wash, wipes 136110	10-5-14-41160 PD Maint. Supplies-Vehicl	20.71	46742	05/13/19
100725	GREEN MOUNTAIN GARAGE	05/07/19 grease 136128	20-5-55-41180 Maintenance-Vehicles	11.82	46742	05/13/19
100215	HADEKA STONE CORP	04/17/19 baseball clay 28421	10-5-18-30070 Little League Expenses	148.00	46743	05/13/19
100215	HADEKA STONE CORP	04/18/19 red diamond mix 28434	10-5-18-30070 Little League Expenses	1504.00	46743	05/13/19
100215	HADEKA STONE CORP	04/25/19 Greenfield baseball clay 28494	10-5-18-30070 Little League Expenses	148.00	46743	05/13/19
100792	HULBERT SUPPLY CO INC	05/08/19 sump pump and parts X003320-00	20-5-55-43160 Maint. Supplies - General	180.32	46744	05/13/19
310552	INNOVATIVE SURFACE SOLUTI	05/02/19 Proguard Mag INV49741	10-5-15-46150 Chloride	3202.40	46745	05/13/19
310276	INSTALLATION STATION	04/25/19 intall radar 769	10-5-14-41180 PD Vehicle Maintenance	112.50	46746	05/13/19
100900	JONES, JARED J	05/01/19 taxes over paid 86-3220	10-2-00-02120 Anticipated Tax Credits	952.82	46747	05/13/19
310759	JPMA STAFF DEVELOPMENT SO	04/30/19 on-line training 2019-0349	10-5-14-10340 Professional Development	60.00	46748	05/13/19
100900	KANE, KAREN M	05/01/19 taxes over paid 0024-0001	10-2-00-02120 Anticipated Tax Credits	190.12	46749	05/13/19
310259	KOFILE PRESERVATION INC	05/01/19 lr binder 242 and paper 227444	10-5-13-30123 Records Preservation	302.04	46750	05/13/19
100900	LEKBERG, CHRISTOPHER	05/01/19 taxes over paid 3-1155	10-2-00-02120 Anticipated Tax Credits	1016.21	46751	05/13/19
310406	LINSTAR	04/29/19 ID cards 90971	10-5-14-30110 Office Supplies	12.80	46752	05/13/19
300726	MAHER CORPORATION	04/23/19 hayward gordon sleeve 26125	20-5-55-43160 Maint. Supplies - General	983.57	46753	05/13/19
310630	MASTERCARD	04/09/19 spot lamp,ring assembly 60613	10-5-14-41110 New Equipment - Vehicles	81.29	46754	05/13/19
310630	MASTERCARD	04/11/19 Safety Day materials 60614	65-5-00-30220 PD Explorers-Other	407.23	46754	05/13/19
310630	MASTERCARD	04/11/19 Safety Day materials 60614	10-5-14-30110 Office Supplies	9.79	46754	05/13/19
310630	MASTERCARD	04/18/19 Conf Lake Morey deposit 61179	10-5-14-10310 Travel & Expenses	100.00	46754	05/13/19
310630	MASTERCARD	04/03/19 Label maker/ extra tape 61180	10-5-18-50090 Adult Activities	49.97	46754	05/13/19
310630	MASTERCARD	04/03/19 Bike helmet stickers 61181	10-5-18-40040 After School Activity	198.96	46754	05/13/19
310630	MASTERCARD	04/06/19 dust mop refill-Town Hall 61182	10-5-22-43150 Town Hall Repair/Maint.	41.82	46754	05/13/19
310630	MASTERCARD	04/08/19 Prime membership 1 yr 61183	10-5-18-10320 Dues & Subscriptions	119.00	46754	05/13/19

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310630	MASTERCARD	04/20/19 music for Idol 61184	10-5-18-40040 After School Activity	8.99	46754	05/13/19
310630	MASTERCARD	04/23/19 Celtics tickets 61185	10-5-18-60010 Bus Trips	1150.00	46754	05/13/19
310630	MASTERCARD	04/26/19 catcher equip/rubber base 61186	10-5-18-30070 Little League Expenses	50.69	46754	05/13/19
310630	MASTERCARD	04/26/19 Bass fishing educator set 61187	10-5-18-40040 After School Activity	119.00	46754	05/13/19
310630	MASTERCARD	04/28/19 Branbury-5 wk camp rental 61188	10-5-18-60120 Summer Arts Camps	475.00	46754	05/13/19
310906	MODERN CLEANERS & TAILORS	04/30/19 uniform maint APR2019	10-5-14-10320 Clothing Allowance	37.50	46756	05/13/19
301033	MOMAR, INCORPORATED	04/22/19 degreaser PSI284983	20-5-55-51310 Collection Systems	368.07	46757	05/13/19
310795	NATIONAL BUSINESS TECHNOL	04/24/19 serv contract: printers IN300009	10-5-10-30130 Service Contracts	96.45	46758	05/13/19
310795	NATIONAL BUSINESS TECHNOL	04/24/19 serv contract: copiers IN300010	10-5-10-30130 Service Contracts	71.08	46758	05/13/19
100788	NEW ENGLAND MUNICIPAL RES	05/01/19 may assessment fee 43791	47-5-10-10100 Professional Services	7550.00	46759	05/13/19
100900	NEWTON, WAYNE P	05/01/19 taxes over paid 16-0259	10-2-00-02120 Anticipated Tax Credits	1334.94	46760	05/13/19
100900	ORVIS, ANDREA A	05/01/19 taxes over paid 64-1136	10-2-00-02120 Anticipated Tax Credits	281.45	46761	05/13/19
100274	PETTY CASH - TOWN OFFICE	05/02/19 postage & cleaning supply MAY 2019	10-5-22-43150 Town Hall Repair/Maint.	7.97	46762	05/13/19
100274	PETTY CASH - TOWN OFFICE	05/02/19 postage & cleaning supply MAY 2019	10-5-12-30132 Planning/Zoning Postage	29.51	46762	05/13/19
100274	PETTY CASH - TOWN OFFICE	05/02/19 postage & cleaning supply MAY 2019	10-5-13-30110 Office Supplies	7.00	46762	05/13/19
100274	PETTY CASH - TOWN OFFICE	05/02/19 postage & cleaning supply MAY 2019	10-5-13-20010 Elections	7.35	46762	05/13/19
310736	POCKETTE PEST CONTROL	05/07/19 pest control/Police Dept 12253	10-5-22-43090 PD Bldg Maint.	65.00	46763	05/13/19
310736	POCKETTE PEST CONTROL	05/07/19 pest control/Town Office 12254	10-5-22-43100 Town Office	70.00	46763	05/13/19
310736	POCKETTE PEST CONTROL	05/07/19 pest control/Town Hall 12255	10-5-22-43150 Town Hall Repair/Maint.	80.00	46763	05/13/19
100900	PORO, RICHARD A JR	05/01/19 taxes over paid 0084-3170	10-2-00-02120 Anticipated Tax Credits	432.87	46764	05/13/19
310842	RHR SMITH & COMPANY	03/08/19 Audit 18/19-field work 22033	10-5-10-22110 Auditors	2500.00	46765	05/13/19
200179	ROOTX	04/26/19 root killer 56004	20-5-55-51310 Collection Systems	460.00	46766	05/13/19
300502	ROUSE TIRE SALES INC	05/06/19 tires 10273587	10-5-14-41180 PD Vehicle Maintenance	532.08	46767	05/13/19
300375	RUTLAND CITY	04/29/19 March sludge processing 240758SLUDG	20-5-55-50160 Sludge Disposal	4200.00	46768	05/13/19
100005	RUTLAND COUNTY SOLID WAST	05/01/19 march surcharge M2089	10-5-22-75120 Solid Waste Disposal	500.94	46769	05/13/19



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100005	RUTLAND COUNTY SOLID WAST	05/08/19 April recycling M2104	10-5-22-75120 Solid Waste Disposal	550.66	46769	05/13/19
100492	RUTLAND MENTAL HEALTH SER	05/01/19 appropriation MAY 2019	10-5-25-70210 Rutland Mental Health	1656.00	46770	05/13/19
100493	RUTLAND REGIONAL PLANNING	05/09/19 36 permit posters 3573	10-5-12-30120 Professional Supplies	25.20	46771	05/13/19
100900	SANDERSON, BILL & CHERYL	05/01/19 taxes over paid 68-1485	10-2-00-02120 Anticipated Tax Credits	250.33	46772	05/13/19
310583	SBARDELLA SLATE, INC.	04/22/19 Town Hall roof repair 4241	10-5-22-43150 Town Hall Repair/Maint.	2975.00	46773	05/13/19
200318	SLACK CHEMICAL CO INC	04/24/19 sodium bisulfite 382716	20-5-55-50140 Sodium Meta Bisulfite	1598.00	46774	05/13/19
100006	SOUTHWESTERN VT COUNCIL O	05/01/19 appropriation MAY 2019	10-5-25-70190 SW VT Council on Aging	600.00	46775	05/13/19
310133	STATE OF VERMONT	03/27/19 Union-Wetland permit 3-9025	46-5-20-27000 Union Sidewalk- Permits	1357.50	46700	04/23/19
310099	STEPHEN A DOUGLAS BIRTHPL	05/01/19 appropriation MAY 2019	10-5-25-70430 Stephen A. Douglas Inc.	625.00	46776	05/13/19
300247	SURPASS CHEMICAL CO INC	04/24/19 sodium hypochlorite 333648	20-5-55-50120 Chlorine	409.84	46777	05/13/19
300247	SURPASS CHEMICAL CO INC	05/06/19 sodium hypochlorite 334033	20-5-55-50120 Chlorine	504.63	46777	05/13/19
200277	THUNDER TOWING & AUTO REC	04/08/19 filter, oil, change tires 5729	10-5-14-41180 PD Vehicle Maintenance	94.81	46778	05/13/19
200277	THUNDER TOWING & AUTO REC	04/12/19 change over tires 5730	10-5-14-41180 PD Vehicle Maintenance	40.00	46778	05/13/19
200277	THUNDER TOWING & AUTO REC	04/25/19 replace valve/tire change 5736	10-5-15-41180 HW Outside Maint. - Vehic	160.26	46778	05/13/19
200277	THUNDER TOWING & AUTO REC	04/30/19 control arm, tire change 5737	10-5-14-41180 PD Vehicle Maintenance	180.00	46778	05/13/19
200277	THUNDER TOWING & AUTO REC	05/03/19 repairs/tire change 5743	10-5-14-41180 PD Vehicle Maintenance	633.30	46778	05/13/19
200277	THUNDER TOWING & AUTO REC	05/06/19 tie rod/lube, oil, filter 5746	10-5-14-41180 PD Vehicle Maintenance	140.82	46778	05/13/19
330348	VERIZON WIRELESS	04/22/19 service: Mar 23 - Apr 22 9828698269	10-5-14-20233 MDT/Aircards	240.08	46779	05/13/19
330348	VERIZON WIRELESS	05/01/19 verizon for april APRIL 2019	10-5-14-42100 PD Telephone Service	41.40	46779	05/13/19
330348	VERIZON WIRELESS	05/01/19 verizon for april APRIL 2019	10-5-15-42100 HW Telephone	98.93	46779	05/13/19
330348	VERIZON WIRELESS	05/01/19 verizon for april APRIL 2019	10-5-18-42100 Recreation Telephone	20.70	46779	05/13/19
330348	VERIZON WIRELESS	05/01/19 verizon for april APRIL 2019	10-5-21-10310 Travel & Expenses	20.70	46779	05/13/19
330348	VERIZON WIRELESS	05/01/19 verizon for april APRIL 2019	20-5-55-42100 Wastewater Telephone	41.40	46779	05/13/19
310045	VERMONT DEPT OF HEALTH	05/01/19 engraved paper 4-24-19	10-5-13-30110 Office Supplies	25.00	46780	05/13/19
100317	VERMONT STATE TREASURER-D	05/01/19 dogs Jan-April 2019 MAY 2019	10-2-00-02112 Dog Lic. Fees to State	1825.00	46781	05/13/19

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Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
310543	04/29/19	repair exhaust fan 70394	20-5-55-43160 Maint. Supplies - General	1769.78	46782	05/13/19
310543	04/29/19	repair exhaust fan 70394	20-5-55-20240 Contractors	1201.50	46782	05/13/19
100485	05/01/19	appropriation MAY 2019	10-5-25-70200 RAVNA	2550.00	46783	05/13/19
310046	04/16/19	envelopes I65468589	10-5-10-30110 Office Supplies	5.52	46784	05/13/19
310046	04/25/19	toner I65741553	10-5-10-30110 Office Supplies	79.55	46784	05/13/19
100900	05/01/19	taxes over paid 46-0065	10-2-00-02120 Anticipated Tax Credits	791.23	46785	05/13/19
310898	05/09/19	exhibit for Carnival 3676	10-5-18-61050 Brandon Carnival	620.00	46786	05/13/19

Report Total

111643.86

Selectboard

To the Treasurer of TOWN OF BRANDON, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ \*\*\*111,643.86

Let this be your order for the payments of these amounts.

05/10/2019

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Jacelyn

Manually Selected For Check Acct 99(10 General Fund) 05/13/2019 To 05/13/2019

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
100051	CARR, BERNIE	PFO APR 19	S6 PFO April 2019	3945.00	0.00	3945.00	46705 05/07/19
300286	CASELLA CONSTRUCTION INC	PR 38	Seg 6 PR # 38	365274.52	0.00	365274.52	46703 05/01/19
100456	DUBOIS & KING INC	419141	S6 CI progress rpt #48	61369.69	0.00	61369.69	46701 04/24/19
100456	DUBOIS & KING INC	419385	S6 CI progress rpt # 49	69814.56	0.00	69814.56	46706 05/07/19
Report Total			500,403.77	0.00	500,403.77		

Selectboard

To the Treasurer of TOWN OF BRANDON, We Hereby certify  
that there is due to the several persons whose names are  
listed hereon the sum against each name and that there  
are good and sufficient vouchers supporting the payments  
aggregating \$ \*\*\*500,403.77  
Let this be your order for the payments of these amounts.

05/10/2019

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Jacolyn

Manually Selected For Check Acct 99(10 General Fund) 05/13/2019 To 05/13/2019

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
100456	DUBOIS & KING INC	419389	B114 progress rpt # 22	9340.08	0.00	9340.08	46707 05/07/19
Report Total			9,340.08	0.00	9,340.08		

Selectboard

To the Treasurer of TOWN OF BRANDON, We Hereby certify  
that there is due to the several persons whose names are  
listed hereon the sum against each name and that there  
are good and sufficient vouchers supporting the payments  
aggregating \$ \*\*\*\*\*9,340.08  
Let this be your order for the payments of these amounts.