

**Brandon Select Board Meeting  
July 8, 2019**

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

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

**Others In Attendance:** Dave Atherton, Brent Buehler, Charles Powell, Mike Frankiewicz, Wayne Rausenberger, Russell Jones, Butch Shaw

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

**1. Call to order**

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

Item 3a – Resolution of Sorrow for Art Doty.

Item 6e - Addition of Executive Session in accordance to VSA 313(a)(1) regarding a Rutland Probate Court action.

Mr. Hopkins advised the next Select Board meeting will be held July 29<sup>th</sup> due to scheduling conflicts with the 4<sup>th</sup> Monday of the month.

**2. Approval of Minutes**

**a/b) Approval of Minutes – June 24, 2019 - Select Board Meeting**

**Motion** by Brian Coolidge/Tim Guiles to approve the June 24, 2019 Select Board Meeting minutes. **The motion passed with one abstention – Tracy Wyman.**

**3. Town Manager’s Report**

Dave Atherton provided the following Town Manager’s report for the weeks of June 24<sup>th</sup> and June 30<sup>th</sup>.

***Union Street Sidewalk:***

The Notice of Award has been sent to Markowski. Once they return it, we will have a start date for construction.

***Park Street:***

Pre-Bid meeting 7/9/19 at 10:30AM - Bid Opening on 7/23/19 @ 1PM.

***Segment 6:***

Second Week “Look Ahead”:

- . Segment A: High Street waterline installation.
- . Segment A: South water testing and transfer to new system.
- . Segment A: Route 7 South sewer line installation.
- . Segment A: Route 7 South water services’ installations.
- . Segment A: Route 7 South stormwater drainage installations.
- . Segment C: Night work downtown (sidewalk rock removal, CU soil installation at Tree planting sites, site lighting conduit, sidewalk preparations).
- . Segment B: Sidewalk placements.
- . Segment E: Sidewalk in front of laundromat, Ace, Champlain Farms and McDonough’s.
- . Central Park fountain concrete.
- . Plantings in Segment B, D, E and F (week of July 15<sup>th</sup>).

***Route 73:***

First pass of reclaim operations will continue in Brandon and should be completed by the middle of this week.

The second pass reclaim operation will begin in Brandon later in the week of 7/8 after the first pass has been completed.

Grading work will continue to follow reclaim operations in Brandon for the entire week.

They are starting to pave on the top part.

***Other Happenings:***

McConnell Road culvert, ditch and wheel rut repairs will continue for the next few weeks. We are looking at paving mid-August.

Tracy Wyman asked whether it would be beneficial to place a No Thru Traffic sign on McConnell when working in that area. Dave Atherton did not think that would work well. Mr. Wyman suggested it would be beneficial to have a flagging company in the area. Mr. Atherton will ask the Police Chief if the Brandon P.D. could potentially assist with the flagging. Mr. Atherton noted this project will be done quickly.

Charles Powell asked if the plantings include in front of 4 Conant Square. Mr. Atherton confirmed the area is in Segment D and it will be included in the work.

***3a. Resolution of Sorrow for Art Doty***

Seth Hopkins read the following “Resolution of Sorrow” for Art Doty:

*“WHEREAS Brandon has lost an exemplary citizen with the passing of Art Doty on July 2, 2019, and*

*WHEREAS at the time of his passing, Art was continuing his many years of service to protect public health and quality of life as our official representative to the mosquito control district, and*

*WHEREAS Art was a man of many interests and gifts, sharing his knowledge of sailing with youngsters, his love of model railroads with many, and his musical talents with people special to him, and*

*WHEREAS Art accomplished the rare feat of being elected to the respected office of Moderator of two different Vermont towns, presiding over Brandon Town Meeting after moving here from Salisbury, where he also had been elected Moderator, and*

*WHEREAS because he was a believing Christian, Art believed in second chances, fostering humane treatment of vulnerable children in the care of Vermont state institutions, and giving of his time and good judgment to Brandon’s restorative justice program for youthful offenders, and*

*WHEREAS Art Doty was one of a kind, and Brandon won’t be the same without him,*

*NOW THEREFORE, BE IT RESOLVED that the Brandon Select Board expresses its sorrow at the death of Leo Arthur “Art” Doty, Jr., veteran of the United States Army, self-directed entrepreneur, and community citizen, and*

*BE IT FURTHER RESOLVED that the Brandon Select Board observe a moment of silence in memory of our friend Art Doty at its July 9, 2019 meeting, and*

*BE IT FURTHER RESOLVED that the Brandon Select Board extends its condolences to Art’s gracious wife and life partner Donna and their children Paul and Susan, and that a copy of this resolution be shared with the grieving family.*

*Adopted at Brandon, Vermont,  
July 9, 2019”*

**Motion** by Tim Guiles/Tracy Wyman to approve the Resolution of Sorrow for Art Doty. **The motion passed unanimously.**

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

Wayne Rausenberger noted a few Select Board meetings ago there was discussion of the wetland reclassification and the Town was led to believe the Select Board does not have a say in this subject. Mr. Rausenberger thought it is important for the Select Board to revisit this subject and suggested the Select Board vote, regardless of whether there is weight to the vote, as there are many landowners that are not happy with the change. Mr. Rausenberger stated there are not many landowners who are behind this change. There are 8 people on the Steering Committee and of the 8 there is only one person that has an interest in the subject and the others have no

land that is affected by this change. Mr. Rausenberger did not believe it is right to tell landowners what they can do with their property.

Seth Hopkins attended the Cornwall meeting and they were clear that the towns have no role in this subject. He did not think the Board should vote absent of a full board and suggested it would be premature to vote as the mapping has not been completed. There is the Class 2 wetland that is established and perhaps the Class 1 would be inside of that area and would be much less property infringement. It is not known what the Class 1 wetland will look like until a map is drawn.

Tim Guiles stated when they sent out the letters, they sent them to the people they thought would be affected by the change. Once the boundary is laid, it will be known specifically who will be affected. Geo-mapping was used and overlaid with the mapping level at the town and came up with a conservative boundary of what was thought to be the affected land. Mr. Rausenberger questioned why this is being discussed until it is known what is to be done and who will be affected by the reclassification. Mr. Guiles stated this has been a thoughtful process in trying to be inclusive and noted the wetland is a resource to all the people in the State and this is part of the democratic process in determining the public resources. When talking about clean air and clean water, it is everyone's concern, not just those affected. Mr. Guiles noted the wetlands are a public good. Mr. Rausenberger stated the wetlands were classified in 2010 and questioned why it was not classified as a Class 1 until now and questioned what changed to request reclassify it from Class 2 to Class 1. Mr. Rausenberger noted this change does not affect him, but he felt the process was done wrong and there was no consideration at the beginning for the landowners.

Seth Hopkins noted he had the opposite experience as the process has worn on. He feels that it is more a question of recognizing what something is and contributing to the ecology and the overall picture. Mr. Rausenberger stated it has an effect on many other people and he thought that some have been left out. Dave Atherton noted the State is not taking any land or creating easements and from his understanding, the Class 1 could be within the Class 2 area and would not change anything. Mr. Atherton stated people need to know that this is not a restrictive covenant put on their properties and noted the Town has stricter regulations with the River Corridor and Flood Plain regulations.

Charles Powell noted he agreed with Mr. Atherton and Mr. Guiles for the record. Brent Buehler stated there was discussion of possible programs for landowners due to the contribution to the ecology, such as tax compensation. Tracy Wyman somewhat agreed with Mr. Rausenberger as there are several people that have a right of way that might have restrictions. It was noted that the right of ways would not be affected.

Seth Hopkins stated there has been information received from the Steering Committee, public meetings and newspaper stories, but he did not think the Board had enough information to vote. Mr. Rausenberger would like the Select Board to have further discussions when there is a full board and to let the landowners know what the Select Board's stand is on this subject.

Representative Butch Shaw advised that he has done some research on this subject and noted it is a long process. Any citizen can petition the Agency of Natural Resources (ANR) to create a Class 1 resource. As the process moves forward, the Secretary of the Agency is the sole person

that will make the recommendation to the Natural Resources Board to determine if this is to be changed. It is a lengthy process and there are public meetings held along the way. There has been no action taken by the Secretary's office. The Secretary is required to work with the municipalities and agencies to determine if it is to be reclassified. If the Town has not been notified yet, there will be notification received at some point in the future. As the petition moves forward, there will be many actions taken to reclassify the wetland. The petition has not been generated yet and ANR is not involved in this process yet. If they do the petition, it will require public hearings and then it will move forward. Should the Secretary make the determination, that would be the time the Select Board would weigh in, if they are compelled to. Should this be reclassified as a Class 1 wetland, current rules will be implemented in the wetland. Should the Secretary determine there are further rules needed for this wetland, the rules would have to be taken through the rule making process that would include more public hearings. If they get through that process it would be submitted to the Interagency Committee on Administrative Rules (ICAR) for review and would then be forwarded to the Legislative Committee on Administrative Rules (LCAR). Should LCAR not approve the rules, the rules come into effective without legislative approval and would not have the full force of the law behind it. The public will have many times to weigh in on this subject during the process. Tim Guiles stated it is a long democratic process where ideas come forward and the process works.

Seth Hopkins stated the Select Board will take it under advisement and it will be discussed further at a subsequent meeting.

Brent Buehler asked whether there had been further input regarding the Town land purchase discussion that was tabled back in March about maximizing the towns profits on selling land and the notification to the public. Mr. Buehler stated there was concern with the process and it was suggested that the adjoining landowners should be notified. Tim Guiles intends to explore model processes and policies in other towns through VLCT and appreciated the reminder from Mr. Buehler. Dave Atherton advised that the Town follows the statutory requirements for warning the public of Town land sales and noted the Town does not advertise land for sale.

Seth Hopkins advised that Ken Backus and Brandi Whitney lost their house in a fire and will have a large hurdle to rebuild their home and get their family back together. Mr. Hopkins stated there is a Go-Fund-Me page for this effort.

## **5. Approve FY2019–2020 Tax Rate**

**Motion** by Brian Coolidge/Tracy Wyman to approve the FY 2019-2020 Municipal tax rate of \$0.963, the Homestead Education tax rate of \$1.3343 and the Non-Residential Education tax rate of \$1.5516. **The motion passed unanimously.**

## **6. Fiscal**

### ***a) Warrant FY 2018/2019 – July 8, 2019 - \$30,030.38***

**Motion** by Tim Guiles/Brian Coolidge to approve the July 8, 2019 FY 2018/2019 warrant in the amount of \$30,030.38. **The motion passed unanimously.**

***b) Warrant FY 2019/2020 – July 8, 2019 - \$113,658.97***

**Motion** by Tracy Wyman/Brian Coolidge to approve the July 8, 2019 FY 2019/2020 warrant in the amount of \$113,658.97. **The motion passed unanimously.**

Seth Hopkins wished to thank the Administration for the new format.

***d) Route 7 Construction Warrant – July 8, 2019 - \$631,559.02***

**Motion** by Brian Coolidge/Tim Guiles to approve the Route 7 Construction warrant in the amount of \$631,559.02. **The motion passed with one abstention – Tracy Wyman.**

***e) Bridge 114 Warrant – July 8, 2019 - \$2,039.80***

**Motion** by Tracy Wyman/Tim Guiles to approve the Bridge 114 warrant in the amount of \$2,039.80. **The motion passed unanimously.**

The Select Board recessed at 7:46PM.

The Select Board reconvened at 8:14PM.

**Motion** by Seth Hopkins/Brian Coolidge to find that premature general public knowledge of the Rutland Probate Court action will clearly place the Town of Brandon at a substantial disadvantage. **The motion passed unanimously.**

**Motion** by Seth Hopkins/Brian Coolidge to enter executive session at 8:16PM in accordance with 1 VSA 313(a) (1) – Confidential attorney-client communications made for the purpose of providing professional legal services to the body to discuss the Rutland Probate Court action with the session to include the Town Manager. **The motion passed unanimously.**

## **7. Executive Session**

The Select Board came out of executive session at 8:31PM. There was no action required.

## **8. Adjournment**

**Motion** by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:32PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary