

Brandon Select Board Meeting March 23, 2020

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

All in Attendance via Zoom.

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

Others In Attendance: Dave Atherton, Brent Buehler, Barry Varian, Carrie Mol, Bill Moore, Stephanie Jerome, Bernie Carr, Cathy Rausenberger, Wayne Rausenberger

The meeting was called to order by Seth Hopkins – Chair at 7:05PM.

1. Call to order

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

Add Item 6a - Consider Appointment of One Board Member to Sign Board Approved Warrants

2. Approval of Minutes

a) Select Board Meeting – March 9, 2020

Motion by Tracy Wyman/Brian Coolidge to approve the minutes of the March 9th Select Board meeting. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided a report for the weeks of March 9th and March 16th, 2020.

Segment 6:

Mr. Atherton is still waiting for a response from VTrans to see if they will cover the additional costs of the bridge slab. Casella has started bringing in supplies and equipment to finish up Segment 6. The completion date is still May 18, 2020 (date does not include the bridge slab). Mr. Atherton had a conference call today with the engineers and contractor and the estimate is a little closer.

Other happenings:

Markowski has started pavement markings and locating water/sewer on Park Street. They are still planning on starting April 1st.

As of 3/20/20, we have received \$11,195.89 from the town forest timber sale. We will be putting it on hold during mud season and will resume as weather and conditions permit.

The Stormwater BMP grant for Pearl Street and the downtown parking lot was awarded to Watershed Consulting.

Rec News:

. The Brandon Rec Department has had to make changes to operations. All in person programming and events have been postponed through April 4th. The nature of our service and the efficiency/size of our Rec Department allows for us to be flexible and can typically make decisions to postpone events 2 weeks out. We are assessing every Friday. Other adjustments have included the temporary waiving of spring sport fees, to encourage folks to sign up now. Organizationally this makes sense as we can get kids signed up and work on the back-end organization and ready orders for uniforms and equipment (size, types, numbers etc.) so that when we get the go ahead to start playing, we can place those orders, start practicing and then send a pro-rated bill to parents.

. Planning continues for our delayed spring and our eventual summer and fall programming. There will be on-line and telephonic meetings for committees working on some old and new community events. Equipment is being changed over from the winter to spring/summer.

. On-line gaming opportunities and social groups related to carefully crafted community experiences are being created. Small groups whose successes can be shared virtually by posting in groups (think scavenger/treasure hunts/geo caching, etc.)

. Carefully curated volunteer opportunities around recreation infrastructure improvements for folks that are looking for opportunities for families to get outside while helping the recreation department. A family volunteering sign-up to help with a specific project and providing tools for them to do so.

Seth Hopkins asked how the Town staff is doing and if there is anyone who cannot do their jobs due to illness or due to the restrictions from the government. Dave Atherton reported there are no restrictions right now due to the Police Department and Public Works being essential services. Office staff are distanced, and the Town Office is closed to the public, with personnel available via email or telephone. Business will be done as usual for as long as possible and most people in the office have the option of working from home. The Town staff is healthy and operational. Wastewater is increased due to disinfecting wipes and the use of paper towels rather than toilet paper. Mr. Atherton stated information will be placed on the Town's website, Facebook and at the Town's posting locations of what to flush and what not to flush. Currently the wastewater system is good. Bernie Carr requested the information be sent to him to include in the Brandon Chamber's newsletter also. Mr. Carr

questioned the timeline for the Midway Oil/Dunkin Donuts project. Mr. Atherton advised they are still looking at April 1st as a start date. Mr. Carr asked the Town Manager to confirm if the project is going to be delayed, as there will need to be gravel put down in the back parking lot to assure that it is ready for the busy season. Mr. Atherton advised the Town has been maintaining the access and there is a right of way through their property. Some of the landlords have been given permission to park cars on the west side and the EV stations are scheduled to be going in soon.

Carrie Mol asked if there is any information that can be sent to the Park Street residents about not doing the interior surveys for Park Street. Dave Atherton stated this came about on Friday and he advised that the surveys should be done, and it has not been confirmed yet that only outside inspections would be done. Ms. Mol suggested when the information is received, it should be sent to the residents, as this is confusing. Mr. Atherton stated the Town was planning to have a Park Street information meeting that had to be cancelled, but he has been sending information by mail to the residents of Park Street. Ms. Mol suggested coming up with a virtual option. Seth Hopkins asked if there is a change from what was received last week from Markowski. Ms. Mol stated they want to inspect inside and outside, and residents had to let them know by the 27th, but they are now considering not doing the inside due to the crisis. Mr. Atherton will keep the Select Board posted. Bernie Carr suggested to stress the interior inspections get done post Segment 6.

4. Public Comment and Participation

Stephanie Jerome reported the Legislature was sent home last Friday and have been working from home. All legislation has been put on hold due to the crisis except voting on two bills related to COVID19. Ms. Jerome has been working with the Commerce Committee on unemployment insurance and employees of businesses that have been affected by COVID19 will have the ability to get 8 weeks of paid unemployment insurance. The only thing that keeps coming up is that small business owners do not pay into unemployment and do not qualify. The Federal legislation and the State's delegation are making sure the small business owners are part of the federal package. The Small Business Administration is also working on loans and there are other resources out there that they are working on. The Department of Labor has been stressed with requests and have increased their staff to get people enrolled. Small businesses need to let the Agency of Development know that they are having difficulty. With small businesses that are having problems repaying their loans, they need to talk with their creditors. The banks are well positioned to help out on their loan repayments. This State has ruled that no one can have utilities disconnected through April 30th and pharmacists can give 90-day supplies. Two of the local internet providers have programs to get more people connected, with Comcast offering \$9.95 access for low income Vermonters and Southern Communications offering two months free. People with college loans also need to contact their vendors to get the conversation going. There has been tax relief for Room and Meals and State taxes for businesses. Federal and State taxes have been pushed out as well. Ms. Jerome has been getting information out on Facebook and Front Porch Forum and noted that she can assist with any direct questions the Town has. Bernie Carr requested clarification that Room and Meals taxes have been put off to the future, but not abated.

Brent Buehler asked if the legislators have to appear in person. Ms. Jerome reported the mandate is that they have to be on the floor to vote. Every day there is a Rules Committee meeting at 4PM to talk about the different rules to temporarily vote electronically. She does not see them going back into the State House for a while. There is a software for legislators to tally votes and do the different types of legislative voting. The two bills under consideration are for unemployment and health care that will likely pass unanimously. The leadership of the House has been phenomenal, and communication has been amazing. Ms. Jerome advised people can call or email her.

Tracy Wyman stated a resident had asked him about tax penalties. Dave Atherton stated there is the option in place for the Board of Civil Authority to abate taxes based on hardship, which would fit the criteria. He does not have the authority to waive the interest and penalty, but the Board of Civil Authority does have that authority and will be key when this is all over. Mr. Atherton stated the Town should watch and see how it plays out at the State and Federal level, as this is a global issue. Ms. Jerome encouraged people to take advantage of the statewide opportunities and talk with the Small Business Administration, if applicable, and the banks to see what can be done to lessen payments and expenses until the Federal legislation comes out.

Bill Moore spoke with REDC and they are working on emergency cash for businesses. He has also spoke with the Bank of Middlebury, Heritage and Lake Sunapee banks who are being responsive to make sure people have options.

Barry Varian stated with respect to the school district, they have had directives from the State regarding remote learning, meal plans and childcare for essential personnel. The district has been working hard on these efforts and it has been going well. At the next meeting he will provide more details on how it is working. Carrie Mol stated the way our school district has been handling academics is sending home 2-week packets of work that were delivered today and there will be a call tomorrow to discuss remote learning. The district is sending home lunch for any family that is requesting it for all students under the age of 18. Mr. Varian stated the meal plan is district wide and not just Brandon. Ms. Jerome is impressed with how the school district has handled this situation. It is a tremendous effort to get the schoolwork and meals to students. Ms. Mol stated the teachers and parents have come together and the superintendent has been awesome about keeping everyone informed. Hats off to the parents who are having to home-school their children, as it is not an easy process.

5. Resolution for VCDP Grant Application (Brandon Free Public Library)

Dave Atherton stated this is a pass thru grant for the Brandon Library renovation that is required to be done through a municipality. This is a resolution as a follow-up from the meeting that was to be held, however, had to be cancelled due to the coronavirus issue. There will have to be a public meeting done, but the Select Board had voted to be the pass-through entity. This will authorize the Town Manager to be the authorized person for the grant.

Motion by Tim Guiles/Tracy Wyman to approve the Resolution for the VCDP grant application as a pass-through for the Brandon Free Public Library and appoint Dave Atherton as the contact person. **The motion passed unanimously.**

6. Consider Waiving Late Fees for Dog Licenses after April 1st

Seth Hopkins stated there was a letter received from the VLCT regarding this subject. Sue Gage asked if the Board might consider waiving the late fees until May 1st because of the limited access of the town office.

Motion by Tracy Wyman/Tim Guiles to approve the waiving of late fees and extend the for-dog licenses until July 1st. **The motion passed unanimously.**

6a. Consider Appointment of 1 Board Member to Sign Board Approved Warrants

Seth Hopkins advised Vermont statutes allows for a board to approve one board member to sign the warrants that have been approved by the full board.

Motion by Doug Bailey/Tracy Wyman to authorize Brian Coolidge to be the signer of tonight's warrants after approved.

Dave Atherton asked if it will be done every meeting or a blanket motion. Tim Guiles questioned if the Library grant application would also require all board members' signatures. Mr. Atherton suggested documents that would require all board member signatures could be placed in the next board packet or an envelope could be placed at the back door of the town office for all members to stop and sign. Mr. Atherton noted that the Library document would require all board members' signatures.

The motion passed with one abstention – Brian Coolidge.

7. Tax Stabilization – Smith Block LLC

Bill Moore stated Mr. Bonner is applying for the final year that extend the tax stabilization for the Smith Block to 10 years. Dave Atherton stated this is part of the Tax Stabilization policy and fits in with the policy guidelines. Seth Hopkins advised that Doug Bailey and he have reviewed the Tax Stabilization policy and to move from the 9th year to the 10th year it takes a million-dollar investment. Doug Bailey stated this has been a success story in taking a building that was underused and putting \$2 million of improvements into the building. The contractor doing the project has 80% of its employees as residents or shoppers to the area lends to the success story of the tax stabilization plan.

Brent Buehler questioned if the Town has been asking the owner about the parking arrangements for this building as Mr. Blake had brought up that Mill Road had been encroached upon. Seth Hopkins thanked Mr. Buehler for submitting his questions to the Board. Dave Atherton reported he has met with Mr. Bonner about the encroachment and has been advised that this will be corrected. With regard to parking, this subject was in accordance with the Brandon Land Use Ordinance and the apartments were approved because the Town has municipal parking areas within ¼ mile, one being behind Café Provence and the other being behind the Mobil station to allow for adequate municipal parking. Mr. Buehler asked why the owner offered to find additional parking because it is a challenge behind the building. Mr. Buehler asked how they encroached without penalty and whether the \$2.3 million in improvements becomes part of the

assessment. Mr. Moore stated the parking was a gesture of good will in looking to make it more convenient for his apartment residents. He is a responsible building owner and did take advantage of historic and state tax credits that are designed to encourage investments in the public infrastructure. Mr. Moore stated at the Town level, it freezes the assessment at the pre-investment amount of the property. The assessors will do an assessment and the Fire and Water district amounts will increase. Mr. Buehler noted one may invest a million into a property, but it may not be worth more than \$500,000. It was noted the assessors will come up with the assessed amount. Mr. Buehler again questioned how encroachment on Mill Lane was allowed. It was noted Mill Lane was a contractor problem that is being addressed and will be fixed. Mr. Atherton stated the issue came to the Select Board and he has since met with the owner and contractor and it will be addressed. This is a road that has not been maintained by the Town and the contractor will correct the retainer wall. Mr. Hopkins stated 10 years is the maximum for the tax stabilization and advised that it stabilizes only the Town tax but full amounts will be paid on Education tax and Fire tax. Mr. Atherton stated the Town is going through a reappraisal and there is a calculation that will indicate what the tax is for the stabilization and another assessment for the other taxes. Doug Bailey asked since there is enough off-street parking between the two municipal parking lots whether that is where the residents are to park most of the time. Bernie Carr noted this is an ongoing situation, but it is hoped to come to a resolution once the Town is post Segment 6. The parking behind the Mobil station will be available and there will be a discussion with all tenants and businesses to create a Parking policy, whether or not Mr. Bonner does something in a grander scale or not. Mr. Bonner is within his right to allow people to park in those lots. Mr. Carr stated there will be better policies before next winter with the parking as the Town moves along the process for everyone involved. Mr. Bailey stated the problem is when parking in the main business district and parking is being taken up for customers. Mr. Carr does not see significant parking of the tenants on Center Street and noted that at the DRB meeting it was a big concern and Mr. Bonner said that he will be a responsive landlord and will be sure that those issues are addressed.

Motion by Brian Coolidge/Tracy Wyman to approve the extension of the tax stabilization for the Smith Block LLC for the 10th year. **The motion passed unanimously.**

8. Discuss Policy for Selling at Town Asset

Seth Hopkins noted the policy has been discussed at the last two meetings and Mr. Guiles has provided a draft for consideration.

Motion by Tracy Wyman/Brian Coolidge to table this policy until after the health issue has ended.

Seth Hopkins advised that motions to table are not amendable or debatable.

A vote on the motion was taken – 3 “No” votes (Doug Bailey, Tim Guiles, Seth Hopkins) and 2 “Yes” votes (Tracy Wyman, Brian Coolidge) **The motion failed.**

Doug Bailey questioned the reason for tabling and Mr. Wyman stated with the Town Office being closed, he did not think it was a vital policy at this time and suggested addressing it at a later date.

Motion by Tim Guiles/Doug Bailey to pass the policy as presented.

Doug Bailey thought it had been agreed to include in the policy that the buyer would pay for advertising and legal fees, which was not included in this version. Tim Guiles stated when amending, Section C notes the advertising and legal fees and leaves it to the discretion of the Select Board of accepting an offer. Seth Hopkins thought the buyers would submit a bid to include advertising and legal fees and he does not want to leave it up to the Board as to whether the buyer will be asked to cover the costs or not with the offer. Dave Atherton stated the concern with the last offer was that it was not enough money and suggested the costs for the legal fees and advertising should be included in the policy if the Town is doing this to make money. Mr. Hopkins agreed it is more transparent to the buyer that they will be expected to do this. Mr. Atherton stated the Town might be spending more in attorney fees if it does not do that. Mr. Guiles stated he was trying to make the policy as simple as possible and leave latitude for the Select Board, with only placing a two-week waiting period on the sale. Mr. Bailey would like these items in the policy to treat everyone the same, as it has to be fair for all. It was suggested to amend Item 3 of Section C relating to the legal and advertising fees to include the items to be paid by the buyer.

Motion by Seth Hopkins/Doug Bailey to amend Item 3, Section C, to include the wording “to be paid by the buyer”.

Brent Buehler suggested the adjoining property owners should also be advised by certified mail, rather than regular mail. Doug Bailey agreed that it is best to have everyone know about a bid and it was suggested to place a notice in the Town Report each year, and he does not have a problem with mailing to the adjoining property owners. Seth Hopkins asked what happens with certified mail to the last known adjoining property owner that can't be delivered. Mr. Buehler stated there are 2 or 3 attempts made and then it is returned as not deliverable. Mr. Hopkins noted the majority of the lots would not have 911 addresses as they would not have road frontage or structures on them.

A vote on the amendment to Section C was taken – 3 “Yes” votes (Doug Bailey, Tim Guiles, Seth Hopkins) and 2 “No” votes (Tracy Wyman, Brian Coolidge) **The motion passed.**

Doug Bailey asked if there is any opinion on mailing certified letters. Seth Hopkins would prefer the Town not go the route of sending certified mail. The purpose of the policy was discussed as something that already exists and designed to slow down the process one Select Board meeting so that people are aware of a piece of property the Select Board has received an offer for and certified mail will slow down the process even further.

A vote on the original motion was taken – 3 “Yes” votes (Doug Bailey, Tim Guiles, Seth Hopkins) and 2 “Yes” votes (Tracy Wyman, Brian Coolidge) **The motion passed.**

10. Fiscal

a) Warrant – March 23, 2020 - \$46,787.90

Motion by Doug Bailey/Tracy Wyman to approve the March 23, 2020 warrant in the amount of \$46,787.90. **The motion passed unanimously.**

Brian Coolidge will sign the warrants on behalf of the Select Board this evening.

b) Route 7 Construction Warrant – March 23, 2020 - \$9,307.38

Motion by Tracy Wyman/Doug Bailey to approve the March 23, 2020 Route 7 Construction warrant in the amount of \$9,307.38. **The motion passed unanimously.**

The Town Manager confirmed he has reviewed the warrants.

The Select Board recessed at 8:35PM.

The Select Board reconvened at 8:45PM.

Motion by Tim Guiles/Brian Coolidge to enter into executive session at 8:45PM regarding the appointment or reemployment or evaluation of a public officer or employee under the provisions of 1 V.S.A. 313(a)(3). **The motion passed unanimously.**

11. Executive Session

At 8:55PM, the Town Manager was asked to attend the executive session.

Motion by Brian Coolidge/Tracy Wyman to leave executive session at 9:04PM. **The motion passed unanimously.**

12. Appointments

a) Planning Commission – Remainder of 3-year term ending June 30, 2022

Motion by Tracy Wyman/Brian Coolidge to table the appointment until Town Manager could get a VLCT opinion. **The motion passed unanimously.**

14. Adjournment

Motion by Brian Coolidge/Tim Guiles to adjourn the Select Board meeting at 9:10PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary