

Brandon Select Board Meeting May 11, 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, Tracy Wyman, Brian Coolidge

Others In Attendance: Dave Atherton, Brent Buehler, Barry Varian, Mike Markowski, Butch Shaw, Lee Kahrs, Margaret Kahrs, Stephanie Jerome, Del Cook, Bernie Carr, Bill Moore, Chris Brickell, Jeff Stewart, Nancy Leary, Linda Stewart, Peter Smith, Ray Counter

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

1. Call to order

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

Omit Item 8 – Executive Session (Until Full Board is present)

Following Item 5, Add Board Discussion of Legislation S344

2. Approval of Minutes

a) Select Board Meeting – April 27, 2020

Motion by Tracy Wyman/Brian Coolidge to approve the minutes of the April 27th Select Board meeting. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided a report for the weeks of April 27th and May 4th, 2020.

Segment 6:

Casella was able to resume work on April 20th. They have been putting down topsoil, adding bark mulch and starting plantings. They have been pouring the remaining steps to residential properties and are starting to repair sections of sidewalk where there was spalling. The first section done was in front of the Brandon Library and it seems to be working well. The line strippers will be here all this week to prep and paint road and parking lot markings.

Park Street:

The project started on May 4th. All of the asphalt has been pulled up and the new sewer line installation will start this week.

Union Street Sidewalk:

All of the sidewalk has been poured, driveway aprons will be done, as well as topsoil and clean up.

Other happenings:

The Town was awarded the grant Mr. Atherton applied for to construct the parking area behind the former Mobil station. The total award is \$92,000.00. This will cover stormwater mitigation.

The Town is still on schedule for a June start on the Churchill Road culvert and is coordinating with the Forest Service to rebuild the road. They have offered to share costs on the material if the Town provides the labor.

Rec Department News:

. We have nearly 100 people signed up for our community art project, documenting our experiences around the pandemic and staying safe together. Folks will get their canvasses and materials, donated by Trish Keith by the end of the week. They will share pictures of their masterpieces via social media using the hashtag pandemic, and we will collect and display their works at the Brandon Library this fall with an auction in February 2021 that will serve as a fundraiser for Brandon Rec trail development.

. On-line Fishing Derby is going on from May 9th – May 16th. Folks will submit pictures of their catches on Fans of Brandon Rec Facebook page and a drawing will be held to give away a fishing package to one lucky mini angler. All families will receive a bumper sticker.

. With the easing of Governor Scott’s “Stay at Home Order” the Brandon Rec is making adjustments. We are allowing groups of 10 or fewer that are following the VDH/CDC guidelines around social distancing to use the parks and courts. Play structures are still closed and we have had to collect the picnic tables to encourage folks to adhere to the “arrive, play and leave” requirements around this easing of restrictions.

. With this newest easing, as of Friday May 8th, we are allowed to plan for modified summer camps. How this will impact our potential continued collaboration with the OVUUSD is still up in the air; the school has yet to decide if they will have a summer program. The State Park has been our host site. Stay tuned.

Dave Atherton reported it has been brought to his attention there is hate mail targeting Republications that have a return address of the Town Office. Mr. Atherton has advised

Chief Brickell of this situation and asked anyone who knows anything about this situation to contact Chief Brickell. Lee Kahrs asked how many pieces of mail were reported. Mr. Atherton advised he knows of two so far.

4. Animal Control Officer's Report

Margaret Kahrs, Animal Control Officer, submitted a written report to the Board. Seth Hopkins thanked Ms. Kahrs on behalf of the Board for the job that she is doing. Ms. Kahrs advised she is trying to figure out what she can and cannot do. She has reached out to the Vermont Humane Federation and has received emails from some other animal control officers. The issue is there is no training right now and the Town needs to figure out who is doing what and when. Ms. Kahrs reported someone had peacocks in their yard and were concerned that others were missing them. She went on Facebook and tagged the Town of Brandon to advise about the situation and was able to resolve the issue. Tim Guiles questioned if Ms. Kahrs was looking for support in getting the Town ordinance updated. Ms. Kahrs noted from what she has learned and calls she has received; she does not think everyone understands what she can and cannot do. Because of the way the ordinance is written, if it is anything other than a dog, cat, or ferret there is nothing she can do. If she gets the training and has the ability to do what the State will allow, there are still things that she cannot act on. One example is that the Select Board, by State law, needs to hold a hearing in the event of a dog bite. The State requires dogs running at large to be pounded, but there are fees and procedures that at one point the Town adopted but are not practiced now. The fees for impoundment are something that was allowed by the State and the Town had adopted the fullest allowance for fees. Mr. Guiles asked if it is the Select Board's or Town Manager's responsibility to give the Animal Control Officer guidance. Dave Atherton stated the Select Board is responsible for drafting of an ordinance and cautioned the Town needs to be careful about going above and beyond what is statutorily allowed. Mr. Guiles suggested the Board develop a small working group to update the ordinance. Mr. Atherton had sent the VLCT policy to the Board that he thought could be a starting point to a rewrite of the ordinance. Ms. Kahrs stated she needs guidance and suggested Mr. Atherton and the Select Board could review what is in the ordinance as there are players that she does not think realize that they are involved. Ms. Kahrs talked with Garrett from the VLCT and he indicated the towns can adopt different ordinances and can determine what domestic pets will be. If the Town wants an animal control officer to work according to the current ordinance, others will need to act on the other items outside of her authority. Seth Hopkins stated the Board will need to know what State statute requires and determine what the limits will be. Mr. Hopkins stated the Board wants to support Ms. Kahrs with the education to do the enforcement aspect. Ms. Kahrs advised that the Task Force she was referred to is not currently together right now. She noted the immediate issue is that as the animal control officer, she can only follow what is in the Town's ordinance and cannot deal with anything outside the ordinance until it changes, and she has the proper training. Mr. Hopkins stated the statute may have changed since the ordinance was adopted and suggested having a subgroup work with Ms. Kahrs to review Brandon's ordinance, VLCT's ordinance and the State's statutes. Tim Guiles volunteered to assist with this project. Chief Brickell will also assist, once he is clear on what the Select Board is looking for. Mr. Hopkins stated the direction is to redraft the ordinance to make it as expansive as the State's statute will allow. Mr. Hopkins will assist with the review of the ordinance also. Ms. Kahrs asked if anyone in the Police Department has taken the Animal Welfare course and Chief Brickell confirmed there is staff that

is trained. Ms. Kahrs would also like to work with Chief Brickell to clarify who is responsible for various duties.

5. Public Comment and Participation

Bill Moore reported the Town had to cancel the Carnival for this year. It was a tough decision, but the vendor did not think they would be able to do the work this summer due. This will give the Town more time to plan for next year. It is hoped to do some sort of event in the Fall to help get people together.

Stephanie Jerome provided an update on what is happening in the House. Ms. Jerome is leading a group of 25 legislators who are working on the pandemic unemployment issues. Because of the huge number of people who have applied, there are many who have had difficulty getting benefits. The legislators have received over 2000 issues where people are not getting their payments and great progress was made this week with the number of issues cut in half. Ms. Jerome stated anyone who would like an update on any of the COVID-19 bills that are going through can contact her. Ms. Jerome reported she was on a Zoom call with 300 participants today for the purpose of talking about the Arts and how they are going to manage the year and post-COVID-19.

Butch Shaw reported the Town of Pittsford has also cancelled the Pittsford Days celebration this year. It was a huge disappointment to have to cancel that event also.

Barry Varian reported things are going great on the school front. The end of the year celebrations are currently being discussed. The Secretary of Education had announced that celebrations have to adhere to the 10-person per gathering. Jeanne Collins is doing a survey to obtain suggestions for the types of events could take place in light of the social distancing.

6. Discuss S344 Legislation

Seth Hopkins reported Representative Jerome had forwarded the Select Board information on S344. The Bill relates to municipal property tax and the elimination of penalty fees. The Bill currently has not been signed by the Governor. It applies only to the town tax, but not the education tax. Dave Atherton stated the Bill indicates there could be an establishment of a grace period for any penalties for property tax or state-wide education tax. The Town is still liable for paying the education tax. Seth Hopkins stated the Town could waive the penalty on the amount that includes the school tax, but it cannot reduce the property tax for the education tax. Mr. Hopkins stated we are not a town that pays state-wide property tax, as the Town pays directly to the school district and what Mr. Atherton is referring to is the penalty for not paying the education property tax on time. The Town doesn't have a State penalty because we don't pay to the State, we pay it to the School District and then the District gets additional money from the State. Ms. Gage had asked whether they would hold the Town to paying on time.

Tim Guiles stated in addition to waving penalties and fees, there is a possibility of reducing taxes if there are savings from COVID-19 events. Seth Hopkins stated Sue Gage indicates there are less than 20 taxpayers who would not be able to make the last payment that would equate to +/-

\$20,000 of payments. If the Board takes no action, those individuals can go to the Board of Abatement for a determination on whether to abate the taxes or penalties. The Board could also do a preemptive waiver if the Bill gets signed by the Governor.

Butch Shaw stated he has had a conversation with Mr. Atherton about the Town paying the education tax and noted the Town does have to pay the education tax. If the Town wants to waive late penalties for the education tax, this is outlined under Section A of the Bill, but beyond that the Bill deals with municipal taxes. In Section C, it indicates it shall apply only to property taxes, but towns are still on the hook for education property taxes. Mr. Atherton's concern is if the Town has to borrow to pay education tax, it will be subject to interest and will hurt the Town financially. Butch Shaw reported the Ways and Means Committee are considering refunding the towns the interest they have to spend. Mr. Shaw stated the longer this goes on the worse it gets, and the State is looking at huge budget deficits. Mr. Hopkins stated for the immediate term, most people will be able to pay their property taxes and it may be \$20,000 to \$30,000 in taxes. The Town pays about \$1 million to the School District and it has the funds to do this. Mr. Atherton stated more information will be known as of Friday, as that is when taxes are due. He stated there is quite a bit of income sensitivity in the Town and some may be in escrow.

Brent Buehler asked if the Town has a reserve fund. Mr. Hopkins advised the Town does have a reserve fund, but the Town is not going to need to use it. Mr. Buehler suggested using the reserve fund to assist those taxpayers that cannot pay, with the agreement to pay it back. Mr. Guiles stated this is an exceptional time and it is impressive to see some of the big banks providing waivers around loan payments. Mr. Hopkins stated if the Governor signs the Bill, it will be appropriate to discuss this item again. Mr. Hopkins stated the number of taxpayers will be small and the amount of delinquent money will be small. Mr. Buehler stated those people are looking at a penalty and asked if the Select Board could at least give them a sense of relief. Mr. Hopkins stated this conversation is to provide information to the Board and discuss with the State Representatives, but the Board does not need to commit to this subject tonight. Mr. Hopkins stated it will not be known until Friday if there is anyone that may need assistance. Mr. Guiles stated the Select Board does not have the authority to waive fees and penalties unless the Governor signs the Bill. He is concerned for people getting relief from the Board of Abatement if they do not have the money. Dave Atherton stated if someone meets one of the seven criteria with the BCA, the BCA will follow the criteria that are set in place for these types of issues. Mr. Guiles stated the criteria is very specific and it is the intent to try to keep people from reaching that level of hardship. Bernie Carr stated this could be a fairly small number and may be some of the same people that went through the construction. Mr. Carr stated this could not have come at a more difficult time for businesspeople now that the construction is just completed.

Butch Shaw stated the H948 Bill hasn't passed the House yet but will likely pass. It will allow the judicial committees in the towns to meet electronically, like the BCA or Zoning Board of Adjustment who do not currently have authority to meet remotely. Those boards will be able to meet together electronically which is important as there will be the appeals period coming up in June. Another piece of the Bill will provide the BCA the option of not visiting the properties to inspect for the protection of both the taxpayers and the town boards. The Bill will go the Senate Wednesday afternoon and will likely go to the Governor after that for signature. Those boards should not meet electrically at this point. Mr. Hopkins will touch base with Sue Gage tomorrow

to assure meetings will not happen. The Select Board has had the authority to do virtual meetings.

7. Appointments

The Select Board approved the following appointments by consensus.

- a) Rutland Region Transportation Council Representative (1-year term ending June 30, 2021) – Dave Atherton*
- b) Rutland Region Transportation Council Alternate (1-year term ending June 30, 2021) – Richard Baker*
- c) Rutland Regional Planning Commission Representative (1-year term ending June 30, 2021) – Michael Shank*
- d) Rutland Regional Planning Commission Alternate (1-year term ending June 30, 2021) – Dave Atherton*

8. Fiscal

- a) Warrant – May 11, 2020 - \$55,575.75*

Motion by Brian Coolidge/Tracy Wyman to approve the May 11, 2020 warrant in the amount of \$55,575.75. **The motion passed unanimously.**

- b) Route 7 Construction Warrant – May 11, 2020 - \$782.78*

Motion by Brian Coolidge/Tracy Wyman to approve the May 11, 2020 Route 7 Construction warrant in the amount of \$782.78. **The motion passed unanimously.**

9. Adjournment

Motion by Tracy Wyman/Tim Guiles to adjourn the Select Board meeting at 7:56PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary