

Brandon Select Board Meeting
June 22, 2020
7:00 p.m.

The Brandon Select Board will meet Monday, June 22, 2020 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 at 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 – June 8, 2020
- 3) Town Manager's Report
- 4) Public Comment and Participation
- 5) Animal Control Ordinance Update
- 6) Former Dinn Property Discussion
- 7) Consider Paving Bids
- 8) Assignment of Funds
- 9) Fiscal
 - a) Warrant – June 22, 2020 – \$152,021.98
 - b) Route 7 Construction Warrant – June 22, 2020 – \$16,197.50
- 10) Executive Session

First Motion: I move to find that premature public knowledge of the pending AFSCME contract will clearly place the Town at a substantial disadvantage.

Second Motion: I move that we enter into executive session to discuss the Town's pending AFSCME contract under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes.

- 11) Adjournment

Brandon Select Board Meeting June 8, 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, Doug Bailey

Others In Attendance: Dave Atherton, Barry Varian, Bill Moore, Butch Shaw, Sue Gage, Bernie Carr, Chris Brickell, Sherry Vacarella, Brent Buehler, Riker Wikoff

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

1. Call to order

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

2. Approval of Minutes

a) Select Board Meeting – May 25, 2020

b) Public Hearing (BFPL) Minutes – May 25, 2020

Motion by Doug Bailey/Tracy Wyman to approve the minutes of the May 25th Select Board meeting and Public Hearing minutes. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided a report for the weeks of May 25th and June 1st, 2020.

Segment 6:

We have completed a sidewalk inspection to determine where repairs will take place. There will be another meeting tomorrow afternoon with the concrete company. There is about 10,000 feet of sidewalk that needs repair. The repairs should be done this week. There will be some clean up and pre-punch list items taken care of.

Park Street:

Sewer services are currently being connected to the new sewer main line and the last portion was done today. They should move on to the water next week. They are a little ahead of schedule and the project is going very well.

Other happenings:

The Churchill Road culvert replacement will start on June 15th. This should be completed by the end of June. They are trying to figure out how to get their crane in the area. Mr. Atherton was informed by Hazard Mitigation that the additional 25% match for the 389 Newton Road buyout will be available. There were two properties that backed out. Mr. Atherton met with Cummings Electric to discuss installation of the electric vehicle charging stations. We are anticipating late summer. Shawn and he have been discussing the possibility of building the parking area in-house. We can use "in-kind" work to meet our grant match amount. The Town is capable of doing the site work and work with the electrical contractor.

Rec Department News:

The Brandon Rec Department is moving out of phase 1 of COVID response and into phase 2. Most on-line activities in which we have been engaging the community (Facebook Bingo, Zoom Trivia, Paint and Sip via Facebook) are ending. We will continue to promote our painting project, will host another on-line fishing derby and our newest patriotic planting pot painting activity is sure to be a hit. We are cautiously moving toward hosting some in-person activities, out of doors. Plans include resuming our summer cornhole league, youth baseball, golf, basketball, and cheerleading clinics. We will likely be having a drive-in concert for our Brandon Idol at either Estabrook or Wyman's campground. Colleen Wright and Bill Moore are working tirelessly to come up with safe and creative ways to deliver programming to the community.

Seth Hopkins stated it is good news about the in-kind work and the progress with VTrans. Doug Bailey requested a status of the funding for the DPW building that was discussed at the last meeting. Sue Gage reported the Buildings and Grounds budget will be under \$40,000 and the building purchase could come out of that department. Ms. Gage stated for the overall budget, most budgets are under, however, she will need to review the DPW budget as there is some overage for road paving. Dave Atherton stated there is Class 2 funds that will be coming, which is why the road paving budget is currently over. The Highway budget was cut close due to the cost of salt for the winter, which is costly and unpredictable. Shawn and Mr. Atherton have called the vendor on the building, but it will be late summer before anything can be done.

Barry Varian asked if there is a plan to work on the plantings for downtown. Mr. Atherton stated the final plan is not in place yet, but it is hoped to have one soon.

Bernie Carr asked if the West Seminary project will impact Route 7. Mr. Atherton stated if it does, it will be quick with unloading material and there won't be much traffic stops. West Seminary will be one lane going up with hill, but it will be short for Route 7.

4. Public Comment and Participation

Seth Hopkins acknowledged that Wayne Rausenberger, Brandon Rep to the BLSG, has resigned. Mr. Hopkins would like to thank Mr. Rausenberger for the many years of service to the Town and the Greater Brandon Community working on the BLSG. Mr. Rausenberger is knowledgeable with the funding and the Town appreciates his service. Richard Russ is the current BLSG Rep,

but there is now an opening. If anyone is interested in serving on the BLSG, they can contact the Town Manager.

Doug Bailey asked if there has been feedback on the use of tables on the downtown sidewalks. Dave Atherton advised the Town's picnic tables are being painted and will be placed on the Town property between the tree grades to allow people to use them. There have been no complaints about the tables. Mr. Bailey asked if there is a policy concerning the tables. Mr. Atherton stated it is no different from a park bench. There are no alcohol permits for consumption on the sidewalks. Mr. Bailey is concerned if they are being used by the restaurants that others using the tables will be asked to leave. Mr. Atherton reiterated the tables are no different from park benches and are public property. Mr. Bailey wanted to assure they were there for all, and not just for the restaurants. Mr. Atherton stated anyone else would have to get a permit to put tables out in front of their business. This is only temporary and when things lighten up, they can be moved.

Tim Guiles stated it is appropriate to recognize the huge issue happening in our country. He is looking at two emails, one from the ACLU and noted that systemic racism exists in Vermont. It is not a matter of today, as this has been around for a long time. The other email is from the VLCT that points out that Governor Scott observes that we need to take action to make changes. The other point that the letter makes is to educate yourself about race, as silence is neither an option or strategy and it makes sense to search out anywhere we might have a participation injustice. Mr. Guiles is trying to figure out any way he might be contributing to the problem. He hopes that the Board can work in Brandon to assure that we do not have systemic racism.

Butch Shaw provided an update from Montpelier. Mr. Shaw reported the House passed a quarter year budget that is austere. This is 25% of the budget to understand the COVID money that is coming from the federal government and what our revenue will be. The Transportation budget of 60% will provide funding level to last year. For this year, the Town is okay, but cautioned depending on State revenues, as there is no idea of what is going to happen. The Education Fund is \$156 million in the hole, but steps are being taken and it is likely all reserves in the General Fund will be used to stay afloat. There is no certainty on any State funding. There will be a big chunk coming in from the federal government and that piece is being figured out. Mr. Atherton asked if the State will still move forward with the Structures grants. Mr. Shaw stated the grants in the 2020 budget will be fully funded. There were budget adjustments done to bring it in line and it is still okay, and Mr. Shaw suspects the Structures grants will be okay. Sue Gage asked Mr. Shaw if there is any idea what the Education tax rate will be. Mr. Shaw stated the Yield bill was passed in the House and has moved on to the Senate. All reserves have been used up and the Education Fund is \$156 million in the hole. The Education tax rate will be \$1.54 and \$1.628 for non-residents.

Barry Varian stated the school district's fiscal year is ending with an anticipated \$850,000 surplus, with \$450,000 approved by the Board for Chrome Books with internet hotspots for remote learning. This will also provide a level of control on usage and allows all students to have equitable internet. The \$450,000 may be funded through the CARES Act, which would then roll the entire \$850,000 back to the taxpayers. Butch Shaw thanked Mr. Varian for the information

and noted the Committees are trying to understand what they can do with the CARES funding. Mr. Shaw thanked the school district for the austere budget.

5. Broadband Grant Support Letter

Seth Hopkins stated there is a broadband grant support letter in the Board packet. Bill Moore stated this item had been discussed and he has been working with Representatives Jerome and Shaw to obtain a broadband innovations band. The Rutland Regional Planning Commission is applying for this grant. Pittsford Select Board has provided a letter of support for the grant and suggested this letter of support would be the Town's part in helping to get the broadband innovation. Tim Guiles requested an update on the downtown broadband. Bill Moore stated it is up but does not have a long range. The router will be moved from inside the office to outside to provide a much greater range. There is also another wireless router being provided that will be on the side of the town hall that faces the parking lot behind the Mobil station that will expand the broadband further. Mr. Guiles asked if there is a password for the system and Mr. Moore stated a password is not required. Mr. Guiles asked what the intended range is once the router is outside. Mr. Moore stated it could be 250 meters and would be mostly line of sight.

Motion by Tim Guiles/Doug Bailey to authorize the Board Chair to sign the Broadband Innovation grant support letter. **The motion passed unanimously.**

6. Green Up Day Budget Discussion

Dave Atherton stated with all of the recent changes in the recycling world, the Town had received a letter before Green Up Day indicating that Rutland County Solid Waste does not want to take tires. Since the start of the year there have been 200 tires picked up in Town and there is a cost associated with getting rid of tires. Mr. Atherton suggested there should be consideration to set aside funding during the budget process for these items, as the Town does not want tires along the roadside. Some things that used to be free are no longer and there will be a cost associated. Mr. Atherton stated a couple of days before Green Up Day there was a call that on Steinberg Road there were 50+ tires in that area. The area at the end of Carver Street is also a problem. There was an incident where someone found a bunch of garbage and brought it to the Police Department, and they were able to track the names of those responsible. Tracy Wyman stated it bothers him that there have been people dropping tires on his property and he has taken care of them as he does not feel that it is the Town's responsibility for private property. Mr. Atherton has received many calls about garbage, and he does not know what the right answer is, but it has to be handled. Tracy Wyman stated during Green Up Day, there were 20 to 25 tires that would have come out of people's garages, as one could tell that they did not come from the side of the road. There was also a similar situation with five mattresses, and this is something that needs to be addressed for another year. Tim Guiles agreed that it is a problem and we need to make a concerted effort to place something in The Reporter that we need to take care of our own stuff. Doug Bailey stated people have learned that they can throw things on the side of the road before Green Up Day and it will be taken care of. Mr. Bailey agreed with Mr. Atherton that there needs to be funding put in the budget for this issue. Seth Hopkins thanked all the people who participated in Green Up Day and thanked Jim Leary for spearheading the Program. Mr.

Atherton stated the Board should also thank Helyn Anderson who has been all over Town picking up things.

7. Consider Adoption of VLCT Resolution

Seth Hopkins stated VLCT provided a memo to Mr. Atherton and questioned the pleasure of the Board. Mr. Hopkins did not find it to be anything that would be effective, urgent or presents an accurate picture for Brandon and suggested the Board take no action.

Motion by Seth Hopkins/Tim Guiles to take no action on the VLCT resolution. **The motion passed unanimously.**

8. Renewal of Note and Loan Modification Agreement

Sue Gage stated this is extending the grant anticipation note for Route 7 through the end of the project. It was thought it would be done by June 30th, but the project is not quite done. This will roll the same grant over through the end of November.

The grant anticipation is for \$2 million at 2.49% that is a line of credit while the Town is paying out for Segment 6 before the reimbursements from VTrans. Currently the amount out is \$750,000. Sue Gage stated this is the amount to pay Casella initially and has been carried forward. Dave Atherton stated the reimbursements are coming in quickly, but the Town has a lot of projects they are getting reimbursed for right now. They reduced the interest rate and Ms. Gage thought they should have offered that from the start. Seth Hopkins stated one-half point on the loan is a good savings for the Town.

Motion by Tracy Wyman/Tim Guiles to approve the renewal of the Note and Loan Modification agreement based on the terms discussed. **The motion passed unanimously.**

Doug Bailey questioned if the Town could pay off the outstanding amount and only draw from it when the Town needs it. Sue Gage advised once the amount is paid back, it cannot be accessed again, which is why it has not been paid off. This is not a revolving line of credit. Seth Hopkins noted this is not a common lending program. Tim Guiles wished to clarify that the Town has up to \$2 million to access and the Town can keep taking it out, but when paying it back the funds cannot be taken out again. Ms. Gage is not sure if this is unique to municipalities, but it is not revolving, and it is not like a tax anticipation note. Ms. Gage will do research on this agreement and advise the Board.

9. Fiscal

Seth Hopkins questioned if the Board would prefer to approve by a consent agenda the recommendations provided by Mr. Atherton as outlined in his memo concerning the following items:

- a) Consider Purchase of FY20/21 Diesel Fuel, Heating Fuel and Gasoline*
- b) Consider Purchase of FY 20/21 Propane*

c) Warrant – June 8, 2020 - \$98,872.89

d) Route 7 Construction Warrant – June 8, 2020 - \$164,338.08

Motion by Tracy Wyman/Brian Coolidge to approve the consent agenda of all items outlined above. **The motion passed unanimously.**

The Select Board recessed at 7:50PM.

The Select Board reconvened at 7:59PM.

Motion by Tim Guiles/Doug Bailey to enter into executive session at 8:00PM under the provisions of 1 V.S.A. 313(a)(3) – The appointment or employment or evaluation of a public officer or employee to include the Town Manager and Police Chief. **The motion passed unanimously.**

10. Executive Session

Motion by Brian Coolidge/Tracy Wyman to come out of executive session at 8:49PM. **The motion passed unanimously.**

There were no actions required.

11. Adjournment

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

Respectfully submitted,

Charlene Bryant
Recording Secretary

Town Manager Report for weeks of June 8th and June 15th, 2020

Segment Six:

We received VTrans approval to repair the bridge slab. Site prep work and mobilization will start this week.

Park Street:

The new sewer mainline and services are all in and connected. The waterline started on June 18th and is currently planned on being completed by mid-July.

Other Happenings:

The Churchill Road culvert replacement will start on June 15th. This should be completed by the end of June.

Rec Dept News:

- Adult Cornhole league is back! Starting on June 23rd and running through the end of August, The Brandon Rec is ready to have our first in person activity since March. Participants will register online for free and only pay if they show-up. There will be a blind draw for partners each week and winners will be crowned at the end of the night. Great summer fun!
- Our first youth program to kick-off will be a Pee Wee cheerleading clinic with Commissioner Sarah Whitney. Estabrook park will host kids entering grades 1-4 on Tuesdays and Thursdays from 5:30 – 6:45.

Both of these programs represent our first foray into group activities since the COVID-19 pandemic began and have been protocol informed by the current guidelines from the CDC, VT Department of Health and the latest addendums to Governor Scott's Emergency order.

Not Brandon Rec but... I serve as the chair of the Brandon Independence Day Celebration Committee, and while it has been expected, we have confirmed that we will postponing the fireworks so that they coincide with the planned Brandon Celebration scheduled on September 25th and 26th. The hope is that by then we as community will have greater latitude around gathering safely and without losing the opportunity to have fireworks this year.

Other items will be covered in the agenda.

TOWN OF BRANDON
ANIMAL CONTROL ORDINANCE - - - DRAFT

SECTION 1. AUTHORITY. This ordinance is adopted by the select board of the Town of BRANDON under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. It is the purpose of this ordinance to regulate the keeping of animals; and the keeping of dogs and to provide for their leashing, muzzling, restraint, impoundment and destruction and their running at large, so as to protect the public health and safety of the Town and the quiet enjoyment of its residents' homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply:

A. "Animal" shall mean any animal that is owned by a person. Ownership implies that a person is providing food and shelter for the animal. This term specifically does NOT include farm animals (as defined by the VT Agency of Agriculture) on a farm (as defined by the VT Agency of Agriculture).

B. "Dog" means any member of the canine species. For purposes of this ordinance, this term, wherever used, shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.

C. "Enforcement Officer" means any Town Constable, Police Officer, Animal Control Officer.

D. "Owner" means any person who has actual or constructive possession of an animal. The term also includes those persons who provide food and shelter to an animal.

E. "Potentially vicious dog" means a dog running at large that inflicts minor injuries on a person not necessitating medical attention; chases, threatens to attack or attacks another domestic pet or animal as defined in 20 V.S.A. § 3541; causes damage to personal property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

F. "Running at large" means that an animal is not:

1. on a leash;
2. in a vehicle;
3. on the owner's premises;
4. on the premises of another person with that person's permission;
5. clearly under the verbal or non-verbal control of the owner; or
6. hunting with the owner.

G. "Wolf hybrid" means:

1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*);

2. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
3. An animal that exhibits primary physical and/or behavioral wolf characteristics.

H. "Working farm dog" means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to State law.

SECTION 4. NUISANCES. An owner of a animal shall not allow, permit, or suffer such animal to create a nuisance. The following activities shall be deemed nuisances:

A. Running at large in the Town.

B. An animal that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.

C. A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.

D. An animal that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 30 minutes or more. This regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel / boarding facility.

E. The provisions of this section pertaining to running at large and disturbing the quiet, comfort and repose of others shall not apply to working farm dogs if:

1. the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or

2. the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.

SECTION 5. VACCINATIONS AND LICENSE. Per Vermont Statute 20 V.S.A. §§3581a, an owner of a domestic pet or wolf hybrid shall have that animal inoculated against rabies by a licensed veterinarian.

Each dog shall be licensed per Vermont Statute under 20 V.S.A. §§ 3851 and shall wear a collar or harness with the current license attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog that is found without a collar or harness and license shall be immediately impounded.

SECTION 6. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the RUTLAND County Superior Court, at the election of the select board.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. The enforcement officer shall issue tickets and may be the appearing officer at

any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of BRANDON may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND COSTS.

A. First offense \$50.00 full penalty/\$25.00 waiver penalty.

B. Second offense \$100.00 full penalty/\$50.00 waiver penalty.

C. Third offense Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$150.00 full penalty/\$75.00 waiver penalty.

D. Subsequent offenses Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$200.00 full penalty/\$100.00 waiver penalty.

E. For purposes of determining the sequence of offenses, second and third offenses shall be those that occur within the 12-month period of the anniversary day of the first offense. Any offense occurring after this 12-month period shall be considered a new first offense.

F. Any owner whose dog has been impounded for its initial third offense shall provide the enforcement officer with proof of satisfactory completion of a responsible dog owner training course pre-approved by the enforcement officer within 6 months of the anniversary date of impoundment. Failure to provide such certification may result in forfeiture of the offending animal.

G. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.

H. Impoundment costs and pre-approved responsible owner training programs shall be set annually by the select board.

SECTION 8. IMPOUNDMENT.

A. Any dog that is determined by an Enforcement Officer to be a potentially vicious dog, which presents an imminent danger to people or other animals, has reportedly bitten a person off or on the premises of its owner, or is in violation of State licensing law or 20 V.S.A. § 3806 may be immediately impounded.

B. A person claiming a dog is a “potentially vicious dog” may file a written complaint with the select board. The complaint shall contain the time, date and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the select board in conducting its hearing.

C. Upon receipt of a “potentially vicious dog” complaint the select board shall proceed as in the case of a “vicious dog” complaint with the exception that if the select board determines that the behavior classifies the dog as “potentially vicious” the select board may order any protective measures be taken absent the dog being humanely destroyed.

D. The Animal Control Officer shall be the primary Enforcement Official under the provisions of this

Ordinance.

E. In the absence of an Animal Control Officer, or in a situation of an emergency nature, the Brandon Police may enforce the provisions of this Ordinance.

SECTION 9. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.

A. The officer who impounds an animal shall, within twenty-four (24) hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have it returned to the owner.

B. If the owner of the animal is unknown, the officer who impounds an animal shall, within twenty-four (24) hours of impoundment post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) day period. The public notice shall include a description of the animal, including any significant marks of identification, when and where it was impounded or found by the person placing the animal in the town's custody, and declare that unless the owner claims the animal and pays all expenses incurred by the town for treatment, boarding and care of the animal, any applicable penalties and takes all necessary remedial action within ten (10) days following posting, the town may place the animal in an adoptive home, transfer it to a humane society or rescue organization. If the animal cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees (including but not limited to boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license, and verification of certification of current vaccination against rabies.

D. If the owner of an animal impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the animal's release within ten (10) days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the animal may be placed in an adoptive home, transferred to a humane society or rescue organization, or if the town is unable to transfer the animal it may be humanely destroyed. The owner of an animal transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the animal for the duration of its impoundment and any expenses associated with its transfer or humane disposal.

E. The procedures provided in this section shall only apply if the animal is not a rabies suspect. If an official designated by the select board to enforce the provisions of this ordinance determines that the animal is a rabies suspect, the select board shall immediately notify the Town Health Officer who shall proceed in accordance with the rules of the Vermont Department of Health.

SECTION 10. INVESTIGATION OF VICIOUS DOGS.

A. When a dog has bitten a person while the dog is off or *on* the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the select board of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the select board in conducting its investigation.

B. The select board, within seven (7) days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and a copy of the complaint.

C. If the dog is found to have bitten the victim without provocation, the select board shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation that the dog is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

D. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If the animal control officer or a municipal official designated by the select board determines that the dog is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the Vermont Department of Health shall apply. If the dog is deemed healthy, the terms and conditions set forth in the select board's order shall be enforced.

SECTION 11. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of BRANDON and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 13. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the BRANDON select board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this _____ day of _____, 2020.

SIGNATURES

Adoption History

_____ DATE

1. Agenda item at regular select board meeting held on _____.
2. Read and approved at regular/special select board meeting on _____ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]

Any Owned Animal not on a Farm

Town of Brandon Animal Control
Ordinance prevails.

Animal Control Officer authorized to use all reasonable and lawful methods for catching and impounding pet covered by this ordinance running at large or creating a nuisance as defined in ordinance.

IS THERE A DOG BITE?

Coordinate with Town Health Officer. Ensure bitten person files report to selectboard to start hearing process if they desire.

Farm Animal

on farm as
defined by
Agency of
Agriculture

Required
Agricultural
Practices
(RAP) apply.
Contact
Agency of
Agriculture.

Wild Animal

Call nearby Central
District Game Warden:

Abigail Serra (Rutland)
773-9101 or 793-1270
Dale Whitlock (E. Mid'by)
388-4919 or 777-6269

Or Other Permitted
Rescuer

Ex: Chipmunks, squirrels,
rabbits, hares:
Rose Gale (Salisbury)
352-4448

Farm Size Classifications

All Farms
Must
Comply
with
the
RAPs.

SMALL FARMING OPERATION (SFO)



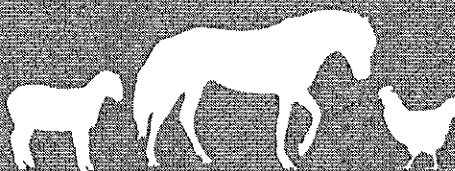
Operate 4 or more acres for farming; OR

Have filed a 1040(F) Tax Form once in the last 2 years; OR



Earn an annual gross income of more than \$2,000 from the sale of agricultural products.

CERTIFIED SMALL FARM OPERATION (CSFO)



Have at least the following animal numbers:

50 mature dairy cows, 75 young stock or heifers, 75 cattle or cow/calf pairs, 40 equines, 750 sheep or goats, or a combination of animals with total live weight exceeding 90,000 pounds (see RAPs for complete animal threshold numbers); OR



Operate more than 50 acres of annual cropland (corn, sweet corn, soybean, or pumpkin); OR



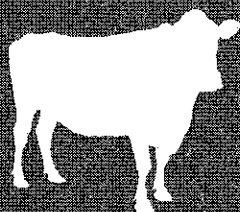
Operate more than 50 acres of vegetable production.

MEDIUM FARM OPERATION (MFO)

Operates a farm within the thresholds for a Permitted Medium Farm Operation (MFO) (200-699 dairy cows, 300-999 youngstock or heifers, etc.)



LARGE FARM OPERATION (LFO)



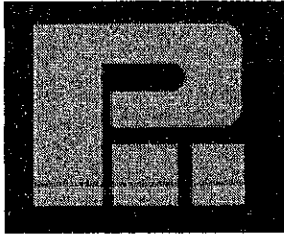
Operates a farm within the thresholds for a Permitted Large Farm Operation (LFO) (700+ dairy cows, 1,000+ youngstock or heifers ; etc.)

Other Requirements:

- Annual Certification
- Farm Inspections
- 590 Nutrient Management Plan
- Water Quality Training

- Annual Reporting
- Farm Inspections
- 590 Nutrient Management Plan
- Water Quality Training

- Annual Reporting
- Farm Inspections
- 590 Nutrient Management Plan
- Water Quality Training



PIKE INDUSTRIES, INC.

249 Granger Rd., Barre, VT 05641
AN EQUAL OPPORTUNITY EMPLOYER

Phone: 802/223-3002
Fax: 802/223-3175

ESTABLISHED 1872

To: Town of Brandon	Contact:
Address: Brandon, VT 05033	Phone:
	Fax:
Project Name: Town Of Brandon 2020	Bid Number:
Project Location:	Bid Date: 5/29/2020

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
401	Machine Pave (Ton) 1. Park St.-3,946' X 21.5'--Shim .75" & Top 1.5"-- 1,198/ton 2. Country Club Rd.-2,850' X 20.5'--Shim .75" & Top 1.5"--825/ton 3. Corona St.-2,072' X 19'--Shim .75" & Top 1.5"-- 556/ton	2,579.00	TON	\$61.49	\$158,582.71

Total Bid Price: \$158,582.71

Notes:

- AC Price Adjustment shall be paid in its entirety to Pike Industries, Inc. per the Construction Contract. Price based on the May Liquid Asphalt Posting of \$471.00.
- Worldwide energy and petroleum markets continue to be volatile, consequently Pike Industries Inc. reserves the right to withdraw this quote if not accepted within 7 days. If we do not receive a response (acceptance subject to project award) to this quote in 7 days, it will become null and void.
- Pike Industries, Inc. reserves the right to adjust unit prices based on total revenues awarded.
- Price is valid through 2020 paving season.
- Price includes all items incidental to paving.
- Pike Industries, Inc. is not responsible for liquidated damages, or any disincentives associated with the work as quoted.
- Hot Mix Asphalt (HMA) as quoted is free of Refined Engine Oil Bottoms (REOB's). For more information regarding REOB's, a listing of states that have currently banned their use and potential detriments to HMA please go the following website:
<http://commonwealthmagazine.org/transportation/004-laying-it-down-testing-it-later/>

Payment Terms:

Net 30 Days

Wilk Paving, Inc.

P.O. Box 154
Route 4A
Center Rutland, VT 05736

Phone: (802)438-5454
Fax: (802)438-5183

Estimate #: 6041

Submitted To: Town Of Brandon	Date: 6/9/2020
Address: 49 Center Street Brandon, VT 05733	Phone: (802)236-4925 Fax: (802)465-8377
Contact:	Job Name: 2020 Paving
	Job Location: Misc., Brandon, VT
	Prop. Owned By: T.O.B.

1. RESURFACING - Roadways, work to include: cold planing transitions, sweeping, application of tack coat, Leveling with 3/4" Type IV, and installation of 1 1/2" of Type III Hot Mix Asphalt Top. Provide signs and traffic control.

\$61.90/TN

Corona St. - Approx. 510 tons.

Upper Park St. - Approx. 1085 tons.

Country Club Rd. - Approx. 815 tons.

Special Notes:

- * WILK PAVING IS NOT RESPONSIBLE FOR 'REFLECTIVE CRACKING' ON RESURFACING PROJECTS.

TERMS: Net cash upon completion and receipt of final invoice.

ESTIMATE EXPIRATION: This estimate is valid for 60 days.

SALES TAX: The project referenced herein is tax exempt.

ACCEPTED:

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer _____

Signature _____

Date of Acceptance _____

CONFIRMED:

Wilk Paving, Inc.

Authorized
Signature _____

Title Tim Rice,

June 19, 2020

FY 19-20 YEAR END NOTES

GASB 54 defines Assigned Funds as amounts that are intended to be used by the Town for specific purposes as authorized by the Selectboard. The Fund Balance Policy explains this in further detail.

We are requesting the following funds to be Assigned:

Motions for Assigned Funds for Fiscal Year 2019-2020:

- 1. \$ 48,000.00 – Highway/Buildings & Grounds – Construct 40' x 80 ' Superstructure.**
- 2. \$ 10,000.00 – Economic Development – Grant match for Broadband project**

These require no action by the Selectboard, this is for information only.

Restricted Funds that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation.

Our Restricted Funds are:

Records Preservation

Highway Funds-Budgeted/Unspent

Prepaid Expenses

Recreation Donations- Dog Park, Seminary Hill for Grant match

Brandon Ski Club Donation

06/19/20

TOWN OF BRANDON Accounts Payable

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Check Warrant Report # 63324 Current Prior Next FY Invoices For Fund (10 General Fund)

Jacolyn

All Invoices For Check Acct 01(10 General Fund) 06/22/20 To 06/22/20

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
310184	ABANAKI INC	05/05/20 box trailer rental 13432	10-5-18-20500 Storage Unit Supply/Maint	150.00	48513	06/22/20
311015	BEN'S UNIFORMS	06/12/20 Blauer Armorskin vests 91879	10-5-14-10320 Clothing Allowance	632.00	48516	06/22/20
100190	BLUE SEAL FEEDS	05/16/20 plants for parks 329-8607	10-5-22-43160 Parks Maint.	47.93	48517	06/22/20
100280	BRANDON LUMBER & MILLWORK	06/03/20 trash bags 835044/3	10-5-22-43170 Trash costs-Transfer Stat	11.99	48518	06/22/20
100280	BRANDON LUMBER & MILLWORK	06/04/20 lighter fluid 835275/3	10-5-14-30120 Professional Supplies	9.18	48518	06/22/20
100280	BRANDON LUMBER & MILLWORK	06/18/20 trash bags 838089/3	10-5-22-43170 Trash costs-Transfer Stat	27.98	48518	06/22/20
200218	BRANDON REPORTER	06/17/20 MAY ADS MAY 2020	10-5-18-10330 Advertising/Recruitment	1175.64	48519	06/22/20
200218	BRANDON REPORTER	06/17/20 MAY ADS MAY 2020	10-5-12-30310 Legal Advertising	71.50	48519	06/22/20
200218	BRANDON REPORTER	06/17/20 MAY ADS MAY 2020	10-5-10-30310 Legal Advertising	156.00	48519	06/22/20
310390	BTS, INC	06/08/20 moved phones,vm/email fix 13992	10-5-10-30130 Service Contracts	75.00	48520	06/22/20
100860	CARROLL, BOE & PELL P.C.	06/10/20 misc- liability & covid 34008	10-5-10-21110 Legal Services	168.00	48521	06/22/20
301503	CHAMPLAIN VALLEY FUELS	06/02/20 diesel fuel 364245	10-5-15-41130 Fuel - Vehicles HW	163.43	48523	06/22/20
301503	CHAMPLAIN VALLEY FUELS	06/09/20 diesel fuel 364540	10-5-15-41130 Fuel - Vehicles HW	221.67	48523	06/22/20
301503	CHAMPLAIN VALLEY FUELS	06/12/20 gasoline 364822	10-5-14-41130 Fuel - Vehicles	506.30	48523	06/22/20
311019	CHRISMORSE.NET COMPUTER S	06/05/20 set up server 4948	10-5-10-30134 Technical Support	180.00	48524	06/22/20
310946	CINTAS	05/26/20 uniforms 4051365367	10-5-15-10320 Clothing Allowance	74.83	48525	06/22/20
310946	CINTAS	06/08/20 uniforms 4052470502	10-5-15-10320 Clothing Allowance	74.83	48525	06/22/20
310946	CINTAS	06/15/20 uniforms 4053094646	10-5-15-10320 Clothing Allowance	65.58	48525	06/22/20
310097	COMCAST	06/17/20 TOWN HALL FOR MAY TH MAY 2020	10-5-22-43150 Town Hall Repair/Maint.	86.10	48526	06/22/20
310037	CONSOLIDATED COMMUNICATIO	06/17/20 HIGHWAY FOR JUNE HW JUNE 2020	10-5-15-42100 HW Telephone	89.62	48527	06/22/20
310037	CONSOLIDATED COMMUNICATIO	06/06/20 service: May 06 to Jun 05 PD06/06/20	10-5-14-42100 PD Telephone Service	46.22	48527	06/22/20
310319	CREATIVE APPAREL	02/15/20 wrestling outfits 460	10-5-18-40070 Youth Wrestling	910.16	48528	06/22/20
100470	CROSBY'S SALES & SERVICE	06/09/20 string trimmer 0064161	10-5-15-41110 New Equipment-Misc. Tools	219.00	48529	06/22/20
300492	FASTENAL COMPANY	06/05/20 screws, nuts, washers VTRUT104150	10-5-15-41160 HW Maint. Supplies-Vehicl	281.66	48533	06/22/20
300187	FLORENCE CRUSHED STONE	06/06/20 stone 228461	10-5-15-46140 Gravel	74.03	48535	06/22/20

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TOWN OF BRANDON Accounts Payable

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Check Warrant Report # 63324 Current Prior Next FY Invoices For Fund (10 General Fund)

Jacolyn

All Invoices For Check Acct 01(10 General Fund) 06/22/20 To 06/22/20

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
101011	FOLEY DISTRIBUTING, INC	06/04/20 paper towels, trash bags 377825	10-5-22-43180 Maint. Supplies Bldgs.	291.70	48536	06/22/20
310426	FYLES BROS., INC.	06/01/20 propane for Town Office 12210	10-5-22-42100 Heating - Propane	152.33	48537	06/22/20
310212	GAGE, SUE	06/17/20 OFFICE WIDE BACKUP 5-6-2020	10-5-10-30110 Office Supplies	111.99	48538	06/22/20
100650	GALLS LLC	05/28/20 radio holder 015746575	10-5-14-10320 Clothing Allowance	59.00	48539	06/22/20
100650	GALLS LLC	05/30/20 chevrons 015759319	10-5-14-10320 Clothing Allowance	-17.76	48539	06/22/20
100725	GREEN MOUNTAIN GARAGE	06/03/20 cap screws, lock nuts 152047	10-5-15-44120 Roadside Mower- Maint	6.20	48540	06/22/20
310233	GREEN MOUNTAIN POWER	06/17/20 CRESCENT PARK MAY CRESC 6/20	10-5-22-42130 Bldgs & Grounds Electric	160.63	48541	06/22/20
310233	GREEN MOUNTAIN POWER	06/17/20 CENTER ST GAZEBO MAY GAZEBO 6/20	10-5-22-42130 Bldgs & Grounds Electric	21.81	48541	06/22/20
310233	GREEN MOUNTAIN POWER	06/17/20 UNION ST PARK & LIGHTS PARK 6/20	10-5-22-42130 Bldgs & Grounds Electric	467.00	48541	06/22/20
310233	GREEN MOUNTAIN POWER	06/17/20 STREET LIGHTS MAY STREET 6/20	10-5-22-42130 Bldgs & Grounds Electric	2726.12	48541	06/22/20
310840	LITTLE ROADSIDE MANAGEMEN	06/02/20 mower blades 2770	10-5-15-44120 Roadside Mower- Maint	623.96	48543	06/22/20
310630	MASTERCARD	05/07/20 microsoft download 60669	10-5-14-30110 Office Supplies	106.99	48546	06/22/20
310630	MASTERCARD	04/28/20 face mask, cleaning wipes 61278	10-5-13-30110 Office Supplies	128.97	48546	06/22/20
310630	MASTERCARD	05/01/20 infrared thermometer 61279	10-5-10-30110 Office Supplies	81.98	48546	06/22/20
310630	MASTERCARD	05/17/20 video conf. monthly serv 61280	10-5-10-10330 Dues & Subscriptions	15.89	48546	06/22/20
310630	MASTERCARD	05/21/20 sheet music downloading 61281	10-5-18-40040 After School Activity	9.53	48546	06/22/20
310630	MASTERCARD	05/26/20 web site hosting lyr 61282	10-5-10-30134 Technical Support	300.00	48546	06/22/20
310796	NATIONAL BUSINESS LEASING	06/06/20 lease: 06/01/20-06/30/20 68277872	10-5-10-30130 Service Contracts	102.00	48547	06/22/20
100256	OVERHEAD DOOR COMPANY OF	06/03/20 repairs to doors 32330	10-5-22-43080 Highway Bldg Maint	715.35	48548	06/22/20
100836	PARRO'S GUN SHOP & POLICE	06/15/20 vests 123557	10-5-14-10320 Clothing Allowance	4543.00	48549	06/22/20
300502	ROUSE TIRE SALES INC	06/03/20 tires 10294648	10-5-14-41110 New Equipment - Vehicles	540.00	48550	06/22/20
310397	SOUTHWORTH-MILTON, INC.	06/02/20 hyd filter for loader INV1954921	10-5-15-41160 HW Maint. Supplies-Vehicl	70.42	48552	06/22/20
310046	W.B. MASON CO INC	06/01/20 chair 21074411	10-5-14-30210 Office Equipment	94.99	48553	06/22/20
310046	W.B. MASON CO INC	06/11/20 paper, batteries, pens 211093069	10-5-10-30110 Office Supplies	155.75	48553	06/22/20
301057	WIND RIVER ENVIRONMENTAL	06/01/20 vactor - catch basins 2256960	10-5-15-20240 Contractors	1075.00	48554	06/22/20

06/19/20

TOWN OF BRANDON Accounts Payable

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Check Warrant Report # 63324 Current Prior Next FY Invoices For Fund (10 General Fund)

Jacolyn

All Invoices For Check Acct 01(10 General Fund) 06/22/20 To 06/22/20

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
310167	WOOD'S MARKET GARDEN	06/17/20 FLOWERS KENNEDY PARK	10-5-21-75000	29.70	48555	06/22/20
		6-16-20	Economic Development			
100015	ALLEN ENGINEERING & CHEMI	06/15/20 chlorine	20-5-55-50120	435.00	48515	06/22/20
		11151913601	Sodium Hypochloride			
100462	CASELLA WASTE MANAGEMENT	06/01/20 May trucking of sludge	20-5-55-50170	1215.00	48522	06/22/20
		2412467	Trucking			
310946	CINTAS	05/26/20 uniforms	20-5-55-10320	17.85	48525	06/22/20
		4051365367	Clothing Allowance			
310946	CINTAS	06/08/20 uniforms	20-5-55-10320	17.85	48525	06/22/20
		4052470502	Clothing Allowance			
310946	CINTAS	06/15/20 uniforms	20-5-55-10320	17.85	48525	06/22/20
		4053094646	Clothing Allowance			
300466	DUNDON PLUMBING & HEATING	06/02/20 septic truck - Union St	20-5-55-20240	270.00	48530	06/22/20
		55341	Contractors			
100494	ENDYNE INC	06/11/20 testing	20-5-55-22120	210.00	48531	06/22/20
		333757	Testing			
100494	ENDYNE INC	06/12/20 testing	20-5-55-22120	25.00	48531	06/22/20
		333887	Testing			
100756	F W WEBB COMPANY	06/03/20 couplings	20-5-55-51310	321.93	48532	06/22/20
		67408573	Collection Systems			
100756	F W WEBB COMPANY	06/09/20 couplings	20-5-55-51310	318.10	48532	06/22/20
		67477904	Collection Systems			
330422	FERGUSON ENTERPRISES LLC	06/02/20 couplings	20-5-55-51310	46.28	48534	06/22/20
		0956799	Collection Systems			
310426	FYLES BROS., INC.	05/20/20 CREDIT - propane returned	20-5-55-42110	-649.00	48537	06/22/20
		12661A	LP Gas - Bldgs			
310426	FYLES BROS., INC.	05/20/20 labor to pump out tank	20-5-55-20240	195.00	48537	06/22/20
		12661B	Contractors			
310426	FYLES BROS., INC.	05/20/20 replaced pipe ohlor room	20-5-55-20240	230.00	48537	06/22/20
		12667	Contractors			
310426	FYLES BROS., INC.	05/20/20 replaced pipe ohlor room	20-5-55-43160	169.79	48537	06/22/20
		12667	Maint. Supplies - General			
100725	GREEN MOUNTAIN GARAGE	06/15/20 starting fluid	20-5-55-43160	5.50	48540	06/22/20
		152690	Maint. Supplies - General			
310233	GREEN MOUNTAIN POWER	06/17/20 WW SECOND LIGHT MAY	20-5-55-42130	24.30	48541	06/22/20
		2ND LT 6/20	Electric			
310233	GREEN MOUNTAIN POWER	06/17/20 RT 73 PUMP STAT MAY	20-5-55-42130	30.37	48541	06/22/20
		73PUMP6/20	Electric			
310233	GREEN MOUNTAIN POWER	06/17/20 BRYANT CIRCLE MAY	20-5-55-42130	24.28	48541	06/22/20
		BRYANT6/20	Electric			
100559	HACH COMPANY	06/12/20 probe	20-5-55-30120	345.22	48542	06/22/20
		11995088	Professional Supplies			
310766	MAINECAL, INC.	06/09/20 cable assembly	20-5-55-43160	339.00	48544	06/22/20
		1781	Maint. Supplies - General			
300375	RUTLAND CITY	06/09/20 April sludge processing	20-5-55-50160	3600.00	48551	06/22/20
		26922SLUSG	Sludge Disposal			
310046	W.B. MASON CO INC	06/11/20 paper, batteries, pens	20-5-55-30110	69.70	48553	06/22/20
		211093069	Office Supplies			
301057	WIND RIVER ENVIRONMENTAL	06/01/20 vactor service	20-5-55-20240	1075.00	48554	06/22/20
		2061335	Contractors			

06/19/20

TOWN OF BRANDON Accounts Payable

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Check Warrant Report # 63324 Current Prior Next FY Invoices For Fund (10 General Fund)

Jacolyn

All Invoices For Check Acct 01(10 General Fund) 06/22/20 To 06/22/20

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
100588	MARKOWSKI EXCAVATING, INC	06/15/20 Union Sidewalk App #3	46-5-20-50300	46024.66	48545	06/22/20
		APP 3	Union Sidewalk Contractor			
200263	ALDRICH & ELLIOTT, PC	06/08/20 Park St Step 3	56-5-16-20100	22295.56	48514	06/22/20
		79117	Park St -Step 3 Engineer			
100588	MARKOWSKI EXCAVATING, INC	06/03/20 Park St App #3	56-5-16-20240	57256.54	48511	06/15/20
		PARK APP 3	Park St Construction			

		Report Total		152021.98		
				=====		

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 \$ ***152,021.98
Let this be your order for the payments of these amounts.

06/19/20

01:07 pm

TOWN OF BRANDON Accounts Payable

Page 1

Check Warrant Report # 63319 Current Prior Next FY Invoices

Jacolyn

For checks For Check Acct 99(10 General Fund) 06/22/20 To 06/22/20

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
100456	DUBOIS & KING INC	520286	S6 CI prgress rpt # 75	16197.50	0.00	16197.50	48512 06/22/20
Report Total			16,197.50	0.00	16,197.50		

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 \$ ****16,197.50
Let this be your order for the payments of these amounts.