

**Brandon Select Board Meeting
June 22, 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, Bill Moore, Butch Shaw, Sue Gage, Bernie Carr, Chris Brickell, Michael Shank, Allie Breyer, Stephanie Jerome, Jackie Savela, Lee Kahrs, Margaret Kahrs

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. **The motion passed unanimously.**

2. Approval of Minutes

a) Select Board Meeting – June 8, 2020

Motion by Tracy Wyman/Brian Coolidge to approve the minutes of the June 8th Select Board meeting. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided a report for the weeks of June 8th and June 15th, 2020.

Segment 6:

We received VTrans approval to repair the bridge slab. Site prep work and mobilization will start this week. Looking at end of September early October completion date.

Park Street:

The new sewer main line 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 Department News:

. Adult Cornhole League is back! Starting 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 on-line 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 thru 4 on Tuesdays and Thursdays from 5:30PM to 6:45PM.

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. Outside of Brandon Rec business, Mr. Moore served as Chair of the Brandon Independence Day Celebration Committee, and while it has been expected, we have confirmed that we will postpone 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 a community will have greater latitude around gathering safely and without losing the opportunity to have fireworks this year.

Bernie Carr stated the cross walks look awesome with the white lines painted on them.

4. Public Comment and Participation

Doug Bailey asked with funds remaining in the budget if the town clock could be repaired. Dave Atherton reported the clock has an electrical issue and the electrician indicated there is a problem that needs rewiring and is more than a quick fix with major repairs needed. Mr. Bailey also asked if there could be some snow shields placed over the town hall sidewalk as the last set of plans for the roof had been expensive and he was not in favor of moving forward with that plan. Mr. Atherton stated this will have to be discussed during budget season as the snow and ice comes off the roof at a rapid pace and it covers the sidewalk and is dangerous.

Tracy Wyman thanked the Highway Department as the roads look great around town and thanked the Police Chief and his department for the fantastic job they are doing with everything that has been going on.

Stephanie Jerome provided an update on the legislative session that will be ending on Friday or early next week. She is proud of the work the legislature has done in getting COVID19 relief funds out. The Community Development group has worked long hours. There will be \$70 million that will be available to businesses. The House passed an additional \$121 million with \$70 million dedicated to businesses and will be going out a few weeks after the first funding. This is a big package and will touch most businesses in the State, but there is not enough money to cover all the losses for the businesses. If there is money that has not been spent in the November timeframe, maybe more will be available. All businesses should sign up at myvermonttax.com and the application will be done through the Department of Taxes. There are also PPP grants through the Small Business Administration with an application deadline of the end of June. Changes have been made to the program and there are additional weeks to use those funds. The local business owners would apply for PUA and it could be retroactive to cover pay. Qualification for the state-administered grants is if one experiences 75% losses in a month during the pandemic time period. Bernie Carr noted he applied for the PPP loan with Heritage on Friday and received approval today. Ms. Jerome stated with local businesses having a relationship with our small banks, it has been easier to get the loans in Vermont.

Butch Shaw stated the legislature has allocated \$1 billion dollars and getting the money out is critical and hopefully the Chamber will get the businesses and contractors lined up for those that will be eligible for the grants the House approved last Friday. An important piece is the caveat for the federal money is that it has to be spent by December 30th, so it has to get out quickly. If it is not spent, it will be swept back, but if it is not done properly, the federal government could take it back. More information will be known this Friday when the Senate is done. There will also be an agricultural piece of \$30 million. Ms. Jerome stated with the December 30th deadline, the federal rules have changed for hazard pay and this deadline has also shaped how the bill has been crafted. The State will not expend money that will have to be returned. Mr. Shaw encouraged the businesses be notified of the grant programs. Mr. Shaw agreed that we should start to open up, but COVID19 has not gone away and encouraged the Town to do what needs to be done. There are 23 states that have increased by 100% over the weekend and this is a serious thing. Pittsford Days and the Haunted House have been cancelled this year.

Sue Gage reminded the Board that the primary elections are scheduled for August 11th. Ms. Gage encourages people to request an absentee ballot, but the polls will be open from 7AM to 7PM. There is a meeting on June 29th to determine how the polls will be conducted. Some towns have had successful elections, with some doing drive-up voting or moving to larger facilities. The Town will take great care during this election.

Allie Breyer wished to voice her support for the changes to the Animal Control ordinance. She adopted some animals from the Kimball farm rescue and noted it was a heartbreaking experience that was the same for all of the people that

adopted animals from this rescue. She would like to see the animal control officer have more power to intervene. She noted if the Town does not work on prevention, it will be an ongoing issue.

Michael Shank also wanted to voice his support for eliminating animal cruelty and noted it was heartbreaking to see what happened on the Kimball farm. If the Town fails to protect animals from cruelty and abuse, we have failed. He hopes the Town does everything it can to assure there is a trained animal control officer that has proper intervention and possibly model from other programs from other states through the Agriculture Department.

Bernie Carr stated with regard to the prior discussion of the town hall roof, Bill Moore and Dave Atherton are working on the public bathrooms for the town and suggested there might be grant money or COVID money available to help cover the costs of improving the safety of the walkway during the winter. Dave Atherton advised they have had to go back to the drawing board a couple of times and agreed with Mr. Carr that he would not want to see more people walking down that sidewalk in the wintertime. There needs to be a conversation this year as something needs to be done about this issue. There might be some public facilities funding that he will research, but it could potentially be funded by the Town in the budget. Bill Moore stated this is the second year that the Friends of the Town Hall have applied for a facilities grant. Mr. Carr noted COVID funding might be a possibility.

5. Animal Control Ordinance Update

Seth Hopkins noted Tim Guiles and he were authorized to meet with Margaret Kahrs concerning drafting the animal control ordinance that is in the board packet. There was work done both independently and with Ms. Kahrs on the ordinance, that includes information from VLCT and the Police Chief. The two choices were to take the Brandon ordinance and insert what VLCT provided as best practice, or take the VLCT model and insert some items that Ms. Kahrs suggested and expand it to include more animals under the animal control officers authority under the public nuisance statute. Mr. Hopkins stated when animals are on farms, the municipality has very little authority to act as it is a matter for the State's Agriculture Department. Mr. Hopkins noted this information can be found on the Town's website and advised the draft ordinance is being introduced to the Select Board and approval of the new ordinance would require going through the adoption process that would include a public hearing. Mr. Hopkins thanked all who collaborated on the ordinance and noted there are some real differences of what can be done or should be done. Margaret Kahrs has the opportunity to get training, though it was postponed during COVID19. The law enforcement officers are also humane officers and would be the default for people to go to. Ms. Kahrs stated there are three types of controls that include animal control, municipal animal control and law enforcement animal control (who cover the animal welfare piece). Animal control can do investigations and that gets passed on to the law enforcement. In talking with the VLCT, the Town can adopt mirroring animal welfare laws at the municipal level so that if the Kimball farm happens again, the Town can seek compensation. Whether or not criminal charges are done would be law enforcement, but there could also be a municipal piece. Mr. Hopkins suggested prior to the next regular board meeting, there could be a hearing scheduled at 6:30PM on the ordinance with the intent of adopting the ordinance during the regular meeting.

Michael Shank asked if the penalties noted were sufficient to enforce the behavior we want to deter. Tim Guiles stated the fees noted are from the VLCT ordinance and are primarily nuisance penalties, as they do not talk about abuse. Mr. Shank stated it does not deter the type of things that happened at the Kimball farm. Margaret Kahrs stated the Town Manager and the Board would be responsible for setting up the ordinance and this draft is an improvement over the current ordinance and provides for opportunities for the animal control officer. She is willing to work with Bill Moore to do some education with pet ownership. She stated Garret at VLCT had indicated it does power the municipality to penalize people regarding animal welfare, but it would be the Police Department that has to cover the animal welfare. Ms. Kahrs is grateful the Town is noticing the ordinance needs revamping as there are a lot of people that care about animals. Mr. Hopkins stated they started with an ordinance that was restricted in scope and limited to dogs, cats, and ferrets and includes input from Ms. Kahrs that she received from the VLCT on nuisances. It incorporates both but does not incorporate animal welfare so that the ordinance the way it is drafted can be enforced by the animal control officer. To enforce animal cruelty and welfare, it would take a higher level of enforcement. Mr. Shank asked how to ensure Kimball farm does not happen for a 4th time and asked if there was discussion at the state level on this subject. Butch Shaw stated he could check with Department of Agriculture to see what their position is between VSA 351 and 354 of whom can enforce the laws. Mr. Shaw noted there is a process in VSA 354 for recovering money through a criminal procedure, but sometimes it is difficult to recover those funds, but there is a path to move forward on this effort.

Mr. Hopkins stated it is recognized this is a complex issue and the Town could possibly have another local ordinance aside from the animal control ordinance that could separate the law enforcement duties versus what the animal control officer is empowered to do. Ms. Kahrs stated the Town Manager or Select Board would need to contact the VLCT to discuss this matter. To mirror the laws for the municipality, she could write tickets and if they mirror animal welfare, it could be a municipal ticket. She stated with the Kimball farm, it was done at the state level and within 4 days the sanctuary was responsible for the animals. Dave Atherton suggested having this conversation during the animal control hearing. Mr. Hopkins noted Ms. Kahrs raises a good point that the Board does not have all of the information and suggested asking Garret from VLCT to provide more information. Doug Bailey expressed concern that this issue cannot happen a 4th time, but it is not part of the animal control policy that the Board wants to adopt. Dave Atherton stated there were stipulations outside of the Town's realm but was something that was handed down. Mr. Bailey hopes the Town can put heat on the State's Attorney General to assure that this does not fall through the cracks and the person has to answer to this through the judicial system. Ms. Kahrs stated this was the subject that was discussed when Garret provided the suggestions. If the Town adopted animal welfare/cruelty laws, it does not say that it will not be a criminal issue, it would say that if you do not take care of your animals, the municipality can issue a fine. Mr. Hopkins would like to obtain clarification from Garrett, as he has not heard of a Vermont statute where a town can adopt a mirrored law. He would like to hear from the VLCT's staff attorney on this issue. Sue Gage questioned if a dog bite is handled by the animal control officer as it appears the issue is brought to the Select Board. Mr. Hopkins stated dog bites go through the health officer, but the Board wants to assure the animal control officer acts as an advocate for the person that has been bitten. The health officer will be the official that is alerted, but the animal control officer will have an official role.

Tim Guiles stated it was his understanding the animal control officer could investigate animal control and the enforcement of animal cruelty lies with the Police Department. The only difference we are talking about is adding enforcement for the animal control officer. Mr. Shank stated with violations where social work or other professions are needed, there are standards that can be applied so that when animals are seized, these are in place so that animals are not landing on people's doorstep near death. Chris Brickell stated this is a topic with pending litigation and when the investigation began, the Police Department reached out to the people that have the expertise such as the Department of Agriculture. This is the process that would be done as law enforcement are not experts on undernourished animals and they rely on the Department of Agriculture for their expertise. There were a lot of animals and multiple veterinarians on the scene. Butch Shaw stated three years ago the legislature could not decide what is adequate water, shelter, and food for domesticated animals and noted what the Town is dealing with a really complicated issue.

6. Former Dinn Property Discussion

Dave Atherton had to establish a State probate to get the taxes on this property and noted the appraisal that had been completed for this process was \$20,000.00. Mr. Atherton stated there have been people inquiring about the property and suggested the property be put up for sale. If the Board decides to list the property as a regular real estate listing, Mr. Atherton stated there should be a starting price and suggested it be \$20,000.00. It was noted this property is an abandoned house on Prospect Street right behind Nifty Thrifty and is in rough shape.

Motion by Tracy Wyman/Doug Bailey to list the former Dinn property for sale for \$20,000.00.

Doug Bailey asked if the property would be of value to the Town. Mr. Atherton stated the property is built into a bank and would not be of value for the Town. Bill Moore stated the NEMRC appraisal of the property was assessed at \$109,000.00. Tim Guiles stated the assessment was location oriented, as this is a prime location. Brian Coolidge stated real estate is moving and suggested listing the property at \$29,000.00

Motion by Brian Coolidge/Tim Guiles to amend the sale price to \$29,000.00. **The motion passed unanimously.**

A vote on the main motion to list the former Dinn property for sale for \$29,000.00 was held. **The motion passed unanimously.**

8. Consider Paving Bids

Dave Atherton stated there had been a prior discussion to do Country Club Road, Corona Street and Park Street Extension. The bids were close, and Mr. Atherton recommended going with Pike Industries. This is all appropriation and budget money.

Motion by Brian Coolidge/Tracy Wyman to accept the bid at \$61.49/ton from Pike Industries to do the paving for Country Club Road, Corona Street and Park Street. **The motion passed unanimously.**

9. Assignment of Funds

Dave Atherton stated this is regarding the end of year funds. There were not many requests except for funding to cover the 40' x 80' highway building and funds for the fiber optic project to obtain a grant. Jackie Savela provided a summary that included the restricted funds that did not require action. Ms. Savela stated there was a small amount of funding the departments need. Normally there are funds for Rec Department, but there have been some donations for this department for the dog park and Seminary Hill for grant matches. The only motions required would be for the Highway building and the grant match for the Broadband project.

Motion by Tracy Wyman/Tim Guiles to assign \$48,000.00 of FY 2019/2020 funds to Highway/Buildings and Grounds to construct a 40' x 80' superstructure and \$10,000.00 to Economic Development for the grant match for the Broadband project. **The motion passed unanimously.**

Sue Gage advised she will provide the Board a financial check list and information to determine if they want to impose a penalty on late homestead filings.

10. Fiscal

- Consent Agenda

a) Warrant – June 22, 2020 - \$152,021.98

Motion by Brian Coolidge/Tracy Wyman to approve the June 22nd warrant in the amount of \$152,021.98. **The motion passed unanimously.**

Doug Bailey questioned the warrant for Wind River Environmental. Dave Atherton reported the Town rented a VAC machine to clean culverts and sewer structures.

b) Route 7 Construction Warrant – June 8, 2020 - \$16,197.50

Motion by Tracy Wyman/Doug Bailey to approve the June 22nd Route 7 Construction warrant in the amount of \$16,197.50. **The motion passed unanimously.**

The Select Board recessed at 8:21PM.

The Select Board reconvened at 8:39PM.

Motion by Seth Hopkins/Tracy Wyman to find that premature public knowledge of the pending AFSCME contract will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

Motion by Tracy Wyman/Doug Bailey to enter into executive session at 8:40PM to discuss the Town's pending AFSCME contract under the provisions of 1 V.S.A. 313(a)(1). **The motion passed unanimously.**

10. Executive Session

Motion by _____ to come out of executive session at _____ PM. **The motion passed unanimously.**

11. Adjournment

Motion by to adjourn the Select Board meeting at PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary