

**Brandon Select Board Meeting
July 13, 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, Chris Brickell, Michael Shank, Allie Breyer, Janet Mondlak, Jeff Stewart, Alison Walter, Lee Kahrs, Margaret Kahrs

The meeting was called to order by Seth Hopkins – Chair at 7:09PM.

1. Call to order

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

Add Discussion of Act 119 – Communication District following Item 5

Add 44 Prospect Street Discussion under Town Manager’s Report

2. Approval of Minutes

a) Select Board Hearing Meeting – June 22, 2020

Motion by Brian Coolidge/Doug Bailey to approve the minutes of the June 22nd Select Board Hearing meeting. **The motion passed with one abstention – Tracy Wyman.**

b) Select Board Meeting – June 22, 2020

Motion by Tracy Wyman/Brian Coolidge to approve the minutes of the June 22nd Select Board meeting, as amended.

To replace all instances of Kimball in these minutes with Hegarty. Seth Hopkins received a useful suggestion and noted he does not think there is any benefit to including the location, rather than the responsible party.

Motion by Seth Hopkins/Tim Guiles to make a change removing the reference of Kimball and changing to Hegarty. **The motion passed unanimously.**

The original motion passed unanimously.

3. Town Manager's Report

Dave Atherton provided a report for the weeks of June 29th and July 6th, 2020.

Segment 6:

The bridge slab removal started this week. The slab has an abundance of rebar and railroad track in the concrete. There has been a lot of saw cutting and jackhammering. Sidewalk repair has been started on Franklin Street.

Park Street:

New water services are being connected to the residents. We will be temporarily closing the Park/High/Marble Street intersection on July 21st and 22nd to tie in new water and sewer mainlines. Please plan ahead and seek an alternate route.

Other happenings:

The Churchill Road culvert has been installed. The guardrails will be installed next week. Pike has completed the shim and overlay on Park Street extension, Corona Street, and the paved portion of Country Club Road.

Rec Department News:

The Rec Department is excited to announce a collaboration with Eric Mallette and the Paramount Theater to create the Jack McKernon Drive-in at Estabrook Park. Thanks to generous donations to the Paramount from Kevin Birchmore, Naylor and Breen, Kevin Elnicki, and the Trustees of Public Funds; the 32 x 18-foot screen is slated to be installed in the lower part of the parking area by Markowski Excavating soon. The Rec Department is poised to provide support through maintenance of the field, management of the vending space and installation of a projection booth (donated 12 x 12 building from Rutland County Parent Child Center).

Cinema Italiano is back at the Brandon Town Hall. On Tuesdays, screenings of Italian films will start at 7:00PM on July 14th and run through the end of August. Folks must pre-register for this free event. Each evening film commissioner Christy Gahagan will check in adults using our 4 question COVID survey and will enforce social distancing and mask use during the movie. This will be our first inside activity that the Rec has run since our last Brandon Idol in February.

Tim Guiles asked if there is an update for the water meter repair. Dave Atherton advised he spoke with Ray Counter today and noted the residents received letters and they are being completed, with some being done on Saturday. This is a Fire District item and Mr. Atherton had not heard how many have been completed.

44 Prospect Street:

Dave Atherton reported the Town has received two offers on the property. Mr. Atherton had provided the Select Board the information on selling town property and noted he will need to obtain what the attorney fees will be for the sale but thought it would likely be around \$1200.00. Per the new policy, the Select Board receives the information for the next board meeting and takes action after that. Tim Guiles stated part of the intent was to make the offers public so that people would know, It was noted there were two offers, one for \$30,500 and one for \$20,000. The last meeting had a figure of \$29,000 proposed for the sale. The Town Manager had an appraisal done and the minimum price was in relation to that figure, however, this sale is not under the same limitations of a tax sale. When the assessment was done, it was assessed at \$106,000. This item will be brought before the Select Board at the next meeting.

4. Public Comment and Participation

Tracy Wyman wished to acknowledge the local construction companies, especially Markowski, as they have had someone keeping the dust under control during the projects and is a good reason to keep local contractors doing the work for the Town.

Tim Guiles asked if the 44 Prospect Street property was posted for sale. Dave Atherton advised this was done through the Select Board minutes that were published. Mr. Guiles suggested maybe something should be posted for this week. Janet Mondlak asked since action will be held over, whether it was the for others to be able to make offers. Seth Hopkins stated the intent is to advise of the first offers that have been received and between now and the next Select Board meeting, other interested parties could submit offers. Ms. Mondlak asked if it is the Board's intent to hold over beyond the next meeting and Mr. Hopkins advised the intent is to make the sale transparent, but the Board does not want to prolong the process.

Sue Gage thanked Tim Guiles for noting the error with the Vermont Department of Taxes on the Homestead selections and rebates. The Department of Taxes failed to pick up the property municipal rate and people are getting letters from the State indicating an error, but the people did not submit the wrong amount. The State will be fixing this and residents may get a new tax bill. August 11th is the Vermont Primary Election and to date there have been 724 absentee ballot requests. The Town will still be running a polling place at Neshobe School from 7AM to 7PM and will be structured as a drive-through. There will be minimal contact and Ms. Gage thanked the school system for allowing the Town to use the lobby of the school for the tabulators and the rest rooms.

Brent Buehler stated from previous Select Board minutes, it appears the Town Hall roof is on hold due to cost. Seth Hopkins stated there was some reengineering required and the amount of work is a little out of hand. Mr. Buehler agrees with Mr. Atherton that this area continues to be a hazard and asked what the next steps will be. Doug Bailey had suggested a snow catcher. Dave Atherton does not know how effective the catchers would be for ice and noted the Town needs to look at including this in the budget, as the cost is about \$20,000 more, but would be the ultimate way to do this in adding a roof over people's heads. With the higher cost, it was discussed that it would be a budget item at this point. Mr. Bailey asked how close the Town was to knowing the Segment 6 monies as there might be something there. Mr. Atherton advised this will not be

known until the bridge project is complete which is an October timeframe. Mr. Buehler stated the Board had approved \$30,000 and the Friends of the Town Hall were going to contribute \$15,000 and perhaps the Trustees of Public Funds could approve the remainder. Bill Moore stated the Trustees of Public Funds were approached by the Paramount Theater to make improvements and was not a Rec Department request. The Shirley Farr Fund is for improvements and if this falls under that, it could potentially be funded through that fund. Mr. Atherton suggested looking at some other options, as he knows the contractors that did the estimate would like to get it done this year as well. Mr. Buehler stated it would be a benefit to the Town and is the only access to the Town Hall for disabled people. It is also a hazard and puts the Town into a position of liability. Mr. Hopkins stated the Trustees of Public Funds do have more than just Shirley Farr request, but they do have parameters to work within and they have a process to have an orderly distribution for town projects. They are also dealing with market setbacks and a lot of demands. Tim Guiles stated this is a necessity and at this point, it would be a tragedy if there is an issue. Mr. Guiles asked if there is an area that could be deficit spent because it is so important. Mr. Atherton advised the Town is at the end of many construction projects and the budget is going to be tight, but he agreed that it needs to be done. Mr. Bailey questioned if the revenue source from the sale of 44 Prospect Street could potentially be used for the roof. Mr. Atherton stated that could be a possibility and will be up to the Select Board to make that decision.

5. Adoption of Animal Control Ordinance

Seth Hopkins stated there was a great hearing prior to this meeting and the Select Board heard from a lot of people.

Motion by Brian Coolidge/Tracy Wyman to adopt the Animal Control Ordinance as drafted.

Mr. Hopkins noted he was not ready to adopt as there was a lot of information presented at the hearing and this may require an additional hearing. Doug Bailey agreed there was additional discussion matter at the hearing and suggested further research be done as well as reviewing it with the Town's attorney before adopting. Mr. Atherton would like to see the Select Board come to terms with what they want the ACO (Animal Control Officer) to do; whether they want to draw the line between the ACO and Brandon police department or draw up another wellness ordinance. In looking at budgeting, if an ordinance was done today, the Town needs to fund it. Chief Brickell had provided information that since January 2018 there have been 127 complaints which equates to one per week. Mr. Bailey agreed that as sensational as what the Hagerty farm was, that is not what the Town would staff to, and this is a situation outside the norm that he does not believe an ACO or police department would be able to handle. Mr. Bailey hopes it will never happen again, but the Town can't think of that one issue when writing a policy. Tim Guiles thought that with the team of people to include the Town Manager, Select Board and ACO, an ordinance could be developed that would draw lines between where one person's responsibility starts and stops. Tracy Wyman agreed with Mr. Atherton and Mr. Guiles. Mr. Atherton suggested sending the ordinance to the Town's attorney and Mr. Wyman agreed. Mr. Bailey suggested the authors of the document review it prior to sending it to the attorney. Mr. Atherton noted the Animal Control Ordinance was a model policy from the VLCT and he felt that there is conflicting information being received from the VLCT of what the Town can and cannot do. Mr.

Hopkins appreciated the opportunity to consider what came out of the hearing to examine the draft and confer with Mr. Guiles to determine if it needs modification and come back to the Board. Mr. Bailey suggested if any Board member had additional input, they should provide it to Mr. Hopkins in the next couple of days. Mr. Hopkins agreed there has been input from the VLCT that has been inconsistent.

The motion was withdrawn by Mr. Coolidge and Mr. Wyman.

6. Act 119 – Communication District

Bill Moore noted the Town had sent a letter of support to the Regional Planning Commission for a grant that would allow the Commission to explore the expansion of broadband around Brandon and Rutland County. In communication with Rob Fish at the Department of Public Service, they suggested the creation of a Communication District that can apply for grant money to expand broadband for the district. It is typically voted on at town meetings, but due to Act 119, the Select Board has the authority to approve. This was strongly encouraged and it requires two towns to form the district, but others will be allowed to join. The district can be dissolved at the end of the feasibility study. Mr. Moore encouraged the Select Board to consider the resolution and adopt a motion as this is the next step. Lamoille and Addison County are also in the process of doing this. Mr. Moore stated Goshen will be considering this and the request has also gone to the Town of Pittsford. Brandon can be the lead as the first to vote.

Motion by Tim Guiles/Doug Bailey to act pursuant to Act 119 to enter into a communication district as the Otter Creek Communication District. **The motion passed unanimously.**

Seth Hopkins thanked Mr. Moore and the Town Manager noting this is another example of people at the State level reaching out to Brandon because the town leadership team has been putting grants to good use.

Motion by Tim Guiles/Tracy Wyman to appoint Bill Moore as primary representative and Dave Atherton as the alternate representative to the Otter Creek Communication District for Brandon. **The motion passed unanimously.**

Mr. Moore thanked the Select Board for their support and noted this is a great step for Brandon and Rutland County. He also thanked Representatives Shaw and Jerome for their help and support in this effort.

Motion by Tim Guiles/Tracy Wyman to authorize the Select Board Chair and Town Manager to sign the resolution and the documents relating to the Otter Creek Communication District. **The motion passed unanimously.**

6. Appointments

Seth Hopkins stated the following people have expressed interest in continuing their participation on the following boards. Dave Atherton advised there is a vacancy on the BLSG Board, and he

has agreed to fill in until the Town can find another interested party. Seth Hopkins thanked all for their skills and participation on these boards.

DRB – 2 seats – 3-year term – Samantha Stone (1 seat remaining)

Planning Commission – 3-year Term – William Mills and Michael Shank

Planning Commission – 1-year term – Ralph Ethier and Alison Walter

Revolving Loan Fund Committee – 3-year term – Wendy Bizzarro and Catherine Wall

BLSG – 1 Brandon Representative – Dave Atherton (Temporary - until filled by another interested party)

Motion by Brian Coolidge/Tracy Wyman to appoint Dave Atherton as temporary representative to the BLSG Board. **The motion passed unanimously.**

Motion by Tracy Wyman/Tim Guiles to approve the appointments as presented. **The motion passed unanimously.**

8. Financial Management Questionnaire

Sue Gage stated the financial questionnaire is required and is a summary of internal controls. This is for the Select Board's information and the Board needs to sign off that they have received it. The document was created when there were a number of treasurers who were absconding with funds. Doug Bailey stated the Select Board members have attended financial training and this should be noted in the document. Mr. Bailey also asked about the signature stamp question and whether one is used. Ms. Gage stated a signature stamp is still used and always has been. It is safely stored and is her signature on the stamp. Mr. Bailey is fine with a signature stamp as long as it is under safe control. Mr. Bailey noted there had been a theft of town funds and suggested a change in the answer. Ms. Gage stated there had been an issue, but the Town was made whole. Ms. Gage will make the change to this answer. Mr. Bailey noted the question regarding checks being written by the same individual that approves the payments; with the Quick Pay System for the Segment 6 project, he was under the impression that Jackie prepared the checks and Ms. Gage authorized them but the scenario was different last year. Ms. Gage noted that she does not approve the checks that are under the Town Manager's area. It was noted that the checks are now written by Jackie, approved by Mr. Atherton, and signed by Ms. Gage. Mr. Hopkins encouraged Ms. Gage to keep the signature stamp under lock and key. Ms. Gage noted only the Board Chair signs the document and she will correct the answers to indicate there was a theft and that the Select Board members have had financial training.

9. Late Homestead Penalty

Seth Hopkins asked if the Select Board wanted to assess a penalty for late homestead filers. Tim Guiles questioned why a penalty should be assessed if people do not file a homestead document on time. Mr. Hopkins stated there is a penalty for late filing that had been assessed in the past, but it was not done in the current tax year that just ended. Mr. Hopkins thought it would be a good year not to assess a penalty as tax deadlines have moved and people's finances are strained.

Motion by Seth Hopkins/Tim Guiles to not assess late homestead penalties. **The motion passed unanimously.**

It was noted the Select Board has been authorized to adopt Act 102.

Motion by Tracy Wyman/Brian Coolidge to adopt Act 102. **The motion passed unanimously.**

Tim Guiles questioned why the Board had to adopt Act 102 as it was currently in effect. Mr. Hopkins advised that it was required for the Town to adopt the Act if it were to act on the provisions relating to property taxes due to COVID 19.

10. Postponement of First Property Tax Due Date to September 15th

Seth Hopkins stated the Select Board has the option of changing the tax due dates and noted the recommendation of the Town Manager is to change the first payment due date to September 15th because the tax bills will not be completed until August.

Motion by Tracy Wyman/Doug Bailey to postpone the first property tax due date to September 15th. **The motion passed unanimously.**

Sue Gage recommended keeping the remaining due dates as scheduled, which would be November 15th, February 15th, and May 15th as the final payment.

11. Fiscal

- Consent Agenda

a) Warrant FY2019/2020– July 13, 2020 - \$397,735.18

Motion by Brian Coolidge/Doug Bailey to approve the July 13th, 2019/2020 warrant in the amount of \$397,735.18. **The motion passed with one abstention – Tracy Wyman.**

b) Warrant FY2020/2021– July 13, 2020 - \$80,352.35

Motion by Brian Coolidge/Tracy Wyman to approve the July 13th, 2020/2021 warrant in the amount of \$80,352.35. **The motion passed unanimously.**

b) Route 7 Construction Warrant – July 13, 2020 - \$267,918.31

Motion by Tracy Wyman/Doug Bailey to approve the July 13th Route 7 Construction warrant in the amount of \$267,918.31. **The motion passed unanimously.**

Tim Guiles asked if the amounts for the payroll warrant are public information and whether the total of payroll warrants could be included, understanding that some information is private. Dave Atherton stated this information is placed in the annual report every year, but it seems unusual the Select Board would be approving a payroll warrant. Mr. Guiles stated it is money that is

going out and he is curious what level of public information the checks are. Mr. Atherton will look into this request, as he has never heard of this being done. Mr. Guiles stated when the Select Board authorizes payments, this is one form of payment and it would seem logical to come through as a warrant and noted he finds it odd that it is a signed warrant that does not come up in the meeting. Mr. Atherton noted he will research this with the VLCT or the Town's attorney.

The Select Board recessed at 8:25PM.

The Select Board reconvened at 8:40PM.

Motion by Doug Bailey/Tracy Wyman to find that premature public knowledge of the confidential attorney-client communications concerning possible pending litigation will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

Motion by Brian Coolidge/Tracy Wyman to enter into executive session at 8:41PM to discuss confidential attorney-client communications concerning possible pending litigation under the provisions of 1 V.S.A. 313(a)(1). **The motion passed unanimously.**

10. Executive Session

Motion by Brian Coolidge/Tracy Wyman to come out of executive session at 9:05PM. **The motion passed unanimously.**

There were no actions required.

11. Adjournment

Motion by Brian Coolidge/Seth Hopkins to adjourn the Select Board meeting at 9:06PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary