

**PLEASE NOTE: REMOTE MEETING via ZOOM**

**Brandon Select Board Meeting**

**July 27, 2020**

**7:00 p.m.**

The Brandon Select Board will meet Monday, July 27, 2020 at 7:00 p.m. 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) Public Hearing Minutes – July 13, 2020
  - b) Select Board Minutes – July 13, 2020
- 3) Town Manager's Report
- 4) Public Comment and Participation
- 5) Appointments
  - a) Development Review Board (3-year term ending June 30, 2023)
- 6) Consider Tax Rate for FY 2020/2021
- 7) Consider Offers on 44 Prospect Street
- 8) Consider Animal Control Ordinance
- 9) Consider Adding Payroll Warrant to Agenda
- 10) Consider BLUO Amendments on River Corridor & Flood Hazard Areas
- 11) Fiscal
  - a) Warrant FY 2019/2020 – June 30, 2020 - \$111,720.98
  - b) Warrant FY 2020/2021 - July 27, 2020 - \$195,068.56
  - c) Route 7 Construction Warrant – July 27, 2020 – \$67,755.20
- 12) Adjournment

**Brandon Select Board Hearing  
Proposed Amendments to Animal Control Ordinance  
July 13, 2020**

**All in Attendance via Zoom.**

**Board Members Present:** Seth Hopkins, Brian Coolidge, Tim Guiles, Doug Bailey, Tracy Wyman

**Others Present:** Dave Atherton, Gail Kerr, Mei Mei Brown, Christine Seymour, Chris Brickell, Allie Breyer, Amy Menard, Michael Shank, Lee Kahrs, Lindsey Berk, Margaret Kahrs

**1. Call to order**

Seth Hopkins, Chair, opened the hearing at 6:00PM.

**2. Public Comments**

Seth Hopkins provided the following opening remarks:

*"I call to order the Brandon Selectboard for the purpose of a PUBLIC HEARING on proposed changes to the Town's Animal Control Ordinance.*

*As I do that, the selectboard wants to thank all of you who have submitted your views to the board already, and to those who are attending this Zoom meeting to do so tonight. Public participation will ensure that the board drafts and adopts an animal control ordinance that reflects the values of our community.*

*The board is eager to hear from all of you and will take all statements under advisement. I will tell you that it is highly unlikely the board would adopt any ordinance tonight, despite how the agenda item may have been phrased on the warning of the board meeting that follows this hearing. We had already committed to a process of 1) drafting a proposal with input from the animal control officer, the League of Cities and Towns, and our own police chief and town manager; 2) hold public hearing or hearings; 3) possible revision of the draft; 4) examination of the draft by the town attorney before we take any vote to adopt it. Hearings are fairly informal, but it is useful to remember what they are and are not. Hearings are the best opportunity for the public to offer their views and to influence the ordinance the board will eventually adopt. Hearings are not a forum for argument, nor are they a town wide drafting committee working to settle and vote on language.*

*My personal goals for this process are that when it's over; 1) We will produce a simple resource so the 4000 people who live in our town will have a clear idea of where to turn with any animal concern; 2) Our animal control officer will head a responsive and professional animal control*

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*program that reflects our community values; 3) We will have open lines of communication to other agencies when municipal animal control is not the appropriate response.*

*Please ask the chair to be recognized to make your statement. If you are on the Zoom app, you can simply raise your hand. When you speak, please begin by stating your name for the benefit of those connected by phone. If you are calling in to the meeting, I will ask from time to time if anyone on the phone would like to offer any comment. When you are recognized, you would identify yourself and take your turn."*

Michael Shank stated erring on side of detail oriented, he would like to identify three areas for the ordinance to include in an effort to better embrace animal welfare. There was information he placed on Front Porch Forum and in a letter to the Select Board and he would like to have in the proposed or a future ordinance to do everything as a Town to avoid another issue. 1) Adopt an ordinance that would include humane treatment of animals under 24 VSA 2291(21). Mr. Shank received this information from the VLCT lawyers. The welfare can be enforced by an ACO if authorized by the Town. The section is saying the Town can regulate with a civil ordinance and can enforce through the ACO. The ACO will be authorized to do so and care for the animals' welfare under the provisions of the municipality. 2) The Town could empower a permanent ACO position with humane officer training and sufficient powers to investigate and intervene when animal welfare is compromised, see 13 VSA section 354(c). The ACO could provide suitable care at a reasonable cost for an animal seized under this section, and have a lien placed on the offender for all expenses incurred. Mr. Shank would like to go above and beyond dog focus and empower the ACO with the training, but additionally to intervene and investigate all animal welfare in the Town. This would assure sanctuaries do not bear the burden and in fact the lien would ensure the offender pays for all of the expenses and not community members. 3) The Town, in coordination with the ACO and Brandon Police Department, could establish a set of agreed-upon procedures now, in discussion with all-involved veterinary clinics and animal sanctuaries, so the next time this occurs there is a plan in place. These procedures would be public to ensure accountability and transparency.

Mei Mei Brown fully supported everything Michael Shank proposed and noted the Town needs a professional ACO as the Police Department does not have the time to take on the work. The ACO could do investigation and mediation and make the best of any situation before getting into civil or criminal court issues. This would allow the Town to be proactive rather than reactive. She supports adding what Mr. Shank suggested to include all domestic animals and livestock. The Town needs to have proper processes in place to take care of the animals in the community boundaries.

Seth Hopkins stated one of the major goals was to expand the Brandon ordinance. It defines any animal that is owned by a person who is providing food or shelter but does not include farm animals. Mr. Hopkins shared information regarding farm animals. (See attached: Farm Control Flow Chart and Farm Class Size Class)

Allie Breyer asked if farm animals have to be registered as a farm as there are animals that are farm animals that are not registered. Seth Hopkins advised there are farm animals that would not

be under the agricultural exemption. Ms. Breyer stated this was unclear as there are some farm animals that are not on a farm but are farm-like animals such as chickens and horses. There could be horse abuse and she wanted to assure that those types of animals are included. Mr. Hopkins confirmed this information would be included, as there are ways that one can declare being a farm, but if not on a farm the animals would be included in this ordinance.

Tim Guiles questioned with the current draft of the ordinance what the limits would be of the ACO's investigative authority versus the police department's investigative authority if there were another Hagerty farm incident. Chris Brickell stated some limitations would be the same, but if the ACO were given civil law enforcement, they could issue tickets and apply for a search warrant. If the property indicates no trespassing, neither the ACO nor the police could enter. The ACO could not bring criminal charges but could issue civil charges and could assist with a criminal investigation but would not have more lawful authority than the police.

Lindsey Berk is in support of the expanded ordinance. She does not think the current ordinance does enough to protect the welfare of animals and suggested the Town needs to provide more power to the ACO.

Bill Moore recommended the policy also deal with the control of animals and their droppings, if people do not pick up after their dogs. As someone who works in the Parks and Recreation world, he would like to see something included in the ordinance that would assess a fine. There are more people in town walking on the new sidewalks. Seth Hopkins confirmed this is addressed under Section 4 as a nuisance and would be subject to the penalties in Section 7. Chris Brickell stated the violations would be under the control of the ACO and noted the protection of the animals would be in the context of a civil ordinance, but they would not have law enforcement to seize animals. Mei Mei Brown assumed if the ACO is given authority for a civil citation, if the ACO sees a criminal offense, they could ask the police department to step in. Mr. Brickell confirmed that was correct and is the normal process. Regardless of the extensions, the enforcement is only by way of a civil violation and this would require the ACO to testify in court. If they are unable to go to a hearing, the defendant automatically wins. Ms. Brown stated this is the same thing with a criminal case if the officer doesn't show, it is found for the person. Mr. Brickell stated there would be no reason for an officer not to attend a court hearing in a criminal case, as they would be held in contempt.

Michael Shank would like to see the Town explore protecting the citizens from financial burdens relating to rescues, but also do what is in 13 VSA 354 and due diligence to include bringing the VLCT to a special hearing to present what is possible. He would like to understand and would like to pursue everything that is possible. Seth Hopkins stated the Town has had the VLCT in the process from early on and they have given their opinion and guidance and advised the Select Board when drafting the ordinance. The VLCT advised that most municipalities would not be equipped to take on the type of animal control that Mr. Shank was suggesting. There was a traumatic event that the Town would not like to see again. The Town has law enforcement and an ACO and it would not behoove the Town to put the burden on the ACO. There are some actions that are directed to the Agency of Agriculture to handle. Mr. Hopkins noted the Select Board wants a responsive ACO, but the ACO may have to collaborate with the police

department, state police or Agency of Agriculture. Mr. Shank suggested the ACO have the power that does not require involving the police department, as they already have enough to do. Mr. Shank did not see this burdening the Town and was not suggesting growing the position, rather increasing the power. He noted the VLCT attorney had indicated the Town could take on the VSA subsections and suggested exploring empowering the ACO with full capacity relating to the VSA and have a clear roadmap. Mr. Shank felt there are a lot of vague ambiguities of the subsections. Mr. Hopkins noted the Town has an ACO that they want to be the chief enforcement officer for nuisance animals and all animal welfare will continue to be something that other agencies, including the Brandon police department will handle. Mr. Shank asked what the Town can do to set up necessary VLCT subsections, as it would make sense the ACO has the training to protect the animals. Chris Brickell stated there appears to be concerns with financial burden for people that have stepped up, but the Town does not have the ability to accept the costs and even in looking at civil liens on animals, it is probably more easily enforced through the criminal justice system. When considering widening what the ACO can do, it will have limited capabilities as they cannot step in and would have to work in conjunction with the police department. The prosecutor would be the one who would follow through on the process and the Hagerty case is not the norm, and it would not be able to be taken care of by an ordinance. Mr. Shank was still interested in seeing the Town do whatever it can to involve the ACO and explore everything at its disposal in preventing animal cruelty. Mr. Shank suggested the Select Board have a public conversation with the VLCT lawyers on additional ACO expertise to define the outer limits of what is possible as a town to assure there is no more animal cruelty or financial burden born by the community members. Dave Atherton stated from the statistics of animal complaints from January 2018 to present, there have been 127 animal complaints with 6 concerning the Hagerty farm. That case is bad, but it is not the norm and had a lot of different components to it and is not what an ACO routinely handles. Doug Bailey felt strongly that the Hagerty case was a terrible case but is not the norm of what the ACO will handle. In the current policy, Section 3 that defines animals, Mr. Bailey suggested there needs to be some attention to horses, as there are many things that could relate to horses such as people not feeding or watering them or lack of hoof care. He has been called in to look at horses to assist someone in finding proper food, veterinary care, etc. Mr. Bailey questioned what the next step would be if an ACO or police are called in on an animal welfare problem and there is no trespassing. Mr. Brickell stated the first step would be to attempt to talk with the property owner and if there is non-compliance it would require further investigation. Mr. Brickell noted there have been complaints from people that would not provide a statement to allow further investigation. Mr. Bailey asked if the ACO's job description is expanded, should the ACO be bonded from bad claims. Mr. Brickell advised that would be a question for the Town's attorney. Mr. Bailey questioned of the 127 calls since January 2018 what percentage were dog calls. Mr. Brickell reported 85% were barking dog complaints.

Margaret Kahrs read the following:

*"I would like to share my thoughts with you regarding the revision of the animal control ordinance. Since becoming the animal control officer, I have seen and heard many things. Some good, some the worst I have ever seen in my twenty plus years of working with animals. When I moved here in late October of 2019, I quickly learned that this town is rightfully known as the*

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*town with a heart. I sat in on a town meeting and listened as things were discussed. I learned that this great town generously uses its resources and strength of community to help not only people of this town, but those in our neighboring towns as well. Even our outstanding police and emergency response teams are willing and able to lend a hand to boarding municipalities without compensation from them. We really do live in a great town full of compassion that is unmatched by any other town that I have lived in before.*

*That being said, it's clear that what we have been doing in the past to ensure safe and humane treatment of animals within our town limits has not been efficient in showing animals that same compassion. As a new resident of Brandon and a recent transplant to Vermont, I have entered this with new eyes and ears. I do not know the former people or problems associated with this subject. What I have heard and seen is a great need for a person responsible for understanding, implementing and executing any and all laws pertaining to owning animals in the State of Vermont.*

*I understand the town is at a crossroads. Using the authority given by the State of Vermont to every municipality to have an animal control officer that could uphold not only civil but criminal laws would be an enormous step from having a dog catcher. We already have a police department that handles criminal violations, so why then would we need to have such a person? Our police department does a great job handling people who commit crimes against people. They have an enormous task of knowing and enforcing a multitude of laws. Their shifts are nonstop as they maintain the safety and security of our town and lend a hand in our neighboring towns. Why would we burden them with the responsibilities of also maintaining the safe and humane treatment of our animals? Especially considering the State of Vermont must have at some point understood how burdensome it would be to have established a way for each municipality to have someone who specializes in this area."*

Ms. Kahrs stated relative to Section 9 regarding impoundment, she understands the current ordinance indicates the animals are to go to the Rutland County Humane Society. The new ordinance states impounded animals will be released to the owners after all penalties are paid. The Town does not hold animals and Ms. Kahrs asked why they are taken to the Humane Society, as it is \$35 to walk a dog into the door. There is a lot of impound information and the Town Manager has indicated there is not a place for impounding, but she has had animals that she has held until they could be released to the families. Ms. Kahrs would like the Town to know that we are dumping our animals on the Shelter. She will perform in whatever capacity the Town provides her, but we have an opportunity to advance in the animal welfare that Vermont as a whole will eventually go. Ms. Kahrs stated if this is the ordinance the Town is going to have, she did not see the point of training the ACO officer. If a person tells her to leave and not come back, she is not allowed to go back to the property, and this has happened to her twice. Having someone who is specialized in upholding the laws for animals would be an asset to the Town. She stated there is added burden to a police department that is already doing an amazing amount of work and the Town should consider an upgrade of the ACO position. Ms. Kahrs does not think that the farm incident is an isolated incident and thought this is something that is needed, and it is not just about dog bites or dogs barking. There are a number of dogs that are unlicensed,

and this would require a dog census. The State requires a dog census but does not specify how to take the census and the Town needs to decide how this will be done.

Dave Atherton advised the Rutland County Humane Society does receive funding through an appropriation and Mr. Atherton read the information noted in the Town Report relating to the appropriation. Mr. Atherton did not say the Town would not do anything about impounding. Mei Mei Brown advised she circulated the petition so that the Humane Society gets \$750 and it does not have anything to do with animal control. Mrs. Brown noted she is on the Humane Society Board and they are falling on hard financial times and are looking at charging towns annual fees at the shelter for a holding area. She encouraged the Town to have a conversation with the Humane Society. Mr. Atherton stated it is a value for the Town, but the Town does not have control over appropriations.

Seth Hopkins suggested anyone with additional comments can send them to the Town Manager. Mr. Hopkins thanked all involved and noted work will continue on an overall Animal Control program.

The hearing closed at 7:09PM.

Respectfully submitted,

Charlene Bryant  
Recording Secretary

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### **Additional Public Comments Received**

#### ***Michael Shank Email of 6/25/20:***

I'd first like to thank everyone for the discussion at Monday's Selectboard meeting. I appreciate the Town of Brandon's willingness to talk about the issue of animal welfare. As follow-up, and for clarity, please see the following specific recommendations (the second half of which are actions the town can take now), and I'm including everyone who participated in this conversation, via Bcc. I've bolded or underlined the key points below.

- 1) Offenders are held accountable (affidavits of the future fully reflect the totality of abuse and cruelty that took place; the two counts in this latest case don't appear to reflect the full scale and scope of the offense).
- 2) Victims are compensated for expenses (non-profit sanctuaries that have been, or will be, crippled by costs in helping animals recover must be compensated; to be clear, I have no need or desire to be compensated, I'm referring only to the larger rescue efforts by actual non-profit sanctuaries).

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3) Prevention of animal cruelty is prioritized (every effort is pursued to ensure that we prevent this from happening in the future). There are clear improvements that can be made both at the municipal and state level.

At the municipal level:

1) The Town of Brandon could adopt an animal control ordinance that includes the humane treatment of animal provisions under 24 VSA section 2291(21) (this message was conveyed to me via VLCT lawyers) to be enforced by the Animal Control Officer (ACO):

(21) To regulate, by means of a civil ordinance adopted pursuant to chapter 59 of this title, subject to the limitations of 13 V.S.A. § 351b and the requirement of 13 V.S.A. § 354(a), and consistent with the rules adopted by the Secretary of Agriculture, Food and Markets, pursuant to 13 V.S.A. § 352b(a), the welfare of animals in the municipality. Such ordinance may be enforced by humane officers as defined in 13 V.S.A. § 351, if authorized to do so by the municipality.

2) The Town of Brandon could empower a permanent ACO position with humane officer training and sufficient powers to investigate and intervene when animal welfare is compromised, see 13 VSA section 354(c):

(c) A humane officer shall provide suitable care at a reasonable cost for an animal seized under this section, and have a lien on the animal for all expenses incurred. A humane officer may arrange for the euthanasia of a severely injured, diseased, or suffering animal upon the recommendation of a licensed veterinarian. A humane officer may arrange for euthanasia of an animal seized under this section when the owner is unwilling or unable to provide necessary medical attention required while the animal is in custodial care or when the animal cannot be safely confined under standard housing conditions. An animal not destroyed by euthanasia shall be kept in custodial care and provided with necessary medical care until final disposition of the criminal charges except as provided in subsections (d) through (h) of this section. The custodial caregiver shall be responsible for maintaining the records applicable to all animals seized, including identification, residence, location, medical treatment, and disposition of the animals.

3) The Town of Brandon, in coordination w/ the ACO and the Brandon Police Department, could establish a set of agreed-upon procedures now, in discussion with all-involved veterinary clinics and animal sanctuaries, so that the next time this occurs we have a plan in place. These procedures would be public to ensure accountability and transparency.

We have an opportunity as a town to be proactive here and stand up for what's right and what's just. I hope we do that.

Let's take the time to get this right.

Thanks in advance for your consideration of this, which I look forward to continuing at future selectboard meetings.

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**Michael Shank Email of 7/13/20:**

At the municipal level:

1) The Town of Brandon could adopt an animal control ordinance that includes the humane treatment of animal provisions under 24 VSA section 2291(21) (this message was conveyed to me via VLCT lawyers) to be enforced by the Animal Control Officer (ACO):

*(21) To regulate, by means of a civil ordinance adopted pursuant to chapter 59 of this title, subject to the limitations of 13 V.S.A. § 351b and the requirement of 13 V.S.A. § 354(a), and consistent with the rules adopted by the Secretary of Agriculture, Food and Markets, pursuant to 13 V.S.A. § 352b(a), the welfare of animals in the municipality. Such ordinance may be enforced by humane officers as defined in 13 V.S.A. § 351, if authorized to do so by the municipality.*

2) The Town of Brandon could empower a permanent ACO position with humane officer training and sufficient powers to investigate and intervene when animal welfare is compromised, see 13 VSA section 354(c):

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3) The Town of Brandon, in coordination w/ the ACO and the Brandon Police Department, could establish a set of agreed-upon procedures now, in discussion with all-involved veterinary clinics and animal sanctuaries, so that the next time this occurs we have a plan in place. These procedures would be public to ensure accountability and transparency.

We have an opportunity as a town to be proactive here and stand up for what's right and what's just. I hope we do that.

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**Michael Shank Email of 7/13/20:**

Hi Everyone - Thanks for hosting the 6 p.m. animal ordinance hearing. I appreciate the opportunity to have this conversation with everyone. For the minutes and for public record, let

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me add the following. The language below enumerates the powers possible for anyone trained as a "humane officer" (which is the town's plan for the ACO position). I've appended the bullet points that are relevant to Vermont, which would apply to the Brandon ACO position once they're trained as a "humane officer". You'll see the powers below go above and beyond what was described during the 6 p.m. hearing, including the ability to seize an animal without warrant. We should include all of these bullet points in any animal ordinance updates and any ACO job description so we're clear about powers and capacities here. Thanks.

<https://www.animallaw.info/topic/table-humane-society-enforcement-powers>

- May apply for a search warrant to enter premises where animal is kept
- A veterinarian must accompany humane officer during execution of search warrant
- May seize an animal being cruelly treated (pursuant to search warrant)
- May seize an animal without a warrant If animal's life is in jeopardy and immediate action is required to protect the animal's health or safety
- May use reasonable force to remove animal from a motor vehicle if animal's life or safety is endangered
- May accept animals voluntarily surrendered by the owner
- Issue civil citations
- Inspect the care and condition of any animal permitted by the court to remain in the care, custody, or possession of offender
- May arrange for euthanasia of a severely injured, diseased, or suffering animal upon the recommendation of a veterinarian
- May seize any equipment associated with animal-fighting

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 351

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 353

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 354

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 364

Vt. Stat. Ann. Tit. Crimes and Criminal Procedure, § 386

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***Bruce Brown Email of 7/09/20:***

I strongly support a town ordinance that allows for animal welfare enforcement by the town/police/animal control officer. The issue with the Hegarty farm would have been resolved sooner. We complained about the dogs barking all night long only to be told by police that they could not go on the property without a warrant. The dogs as well as all the other animals continued to needlessly suffer for another year.

Bruce Brown

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***Mei Mei Brown Email of 7/10/20:***

Dear Selectboard Members:

I am writing to say that the proposed Animal Control Ordinance falls far short of what is needed for our community. Brandon has matured to the point where a professional ACO is necessary, with an ordinance with meat in it to support that position.

As part of my background I was a VSP dispatcher for 14 years, and part time dispatcher for Brandon PD when Thomas Answering Service provided that service. In addition, I am a board member of the Rutland County Humane Society (RCHS) and program coordinator for the Brandon Feral Cat Assistance Program (Brandon FCAP) which operates under the nonprofit umbrella of RCHS since its founding in 2005.

You most likely know that animal complaints received by the PD often result in a groan in response to being dispatched to the call. The complaint is not why officers chose law enforcement and it is low on their priority list. I know from experience and I get it! Police Officers, as a general rule, are not trained to handle animal complaints. The proposed ordinance placing the decision of deciding how to respond to an animal complaint with the police chief is taking a step backwards.

Our lesson to be learned from the death of George Floyd is that being proactive is so much better than reactive. Having the tools in place to educate and assist the public before a situation gets out of hand brings about a much better outcome for everyone involved. So, let us do this with our ordinance for Animal Control.

The Town of Brandon needs to be more proactive in this ordinance. The town has taken the steps to employ an Animal Control Officer (ACO), so why not give that position the tools to do the job well? First of all, the ACO needs to be certified in investigation as well as prevention. RCHS had an employee certified through this training. It gave RCHS tools to help with neglect and abuse cases that were properly documented and successfully brought to a conclusion through the Rutland County State's Attorney's office.) Second, the ACO must be allowed to make the decisions as to whether the complaint has merit; - not someone who may not understand animal welfare.

Additionally, the ACO needs to have a working relationship with the RCHS and representative(s) of the Department of Agriculture. The position needs to have the working tools necessary such as box traps, snares, Kevlar gloves, and holding cages. While Brandon FCAP has limited resources, we are happy to work with the ACO on cat cases. We should learn from the Hegarty case. There will be more like it in the future. Had we had a stronger ordinance in place, numerous animals would have avoided needless suffering or death. The police department was aware of the numerous animals on the property. But because the property was posted their hands were tied to ensure the welfare of the animals. Brandon FCAP spend

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hundreds of dollars spaying/neutering and vaccinating the feral cats that migrated off that property over the last four years. The red flag had been raised years ago and was ignored.

I had several email correspondences between the Chief and Town Manager during the summer of 2019 regarding the barking dogs on the property as my house is just east of there on Arnold District Road. All the neighbors endured the relentless barking that started at dusk and went on until dawn. The Chief would go to the site or phone the Hegartys, but never got onto the property. It was because of my complaints that the town learned that the dogs were not licensed and that there is a state statute exempting working dogs from noise and other complaints. A trained ACO would know this.

Also, I encourage you to contact Beth Saradarian, Executive Director of RCHS. I believe your documentation indicates that RCHS is Brandon's impound area. RCHS is in the process of reaching out to all the communities in the county about the services it is able to provide. It is a good time for you to communicate with each other.

I appreciate your interest in this topic and again ask you to revisit the proposed ordinance and give the document the attention it deserves to serve the citizens and animals of Brandon. I have no doubt that the League of Cities and Towns can assist you with drafting a sound ordinance, or at minimum, provide you with examples of ordinances from around the state.

Thank you.

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***Michael Shank Email of 7/14/20:***

On tone, I was reflecting back what I've heard from multiple sources. After researching and interviewing multiple corroborating sources, this is the story that's becoming clear. If this is not the case, and 13 VSA 354 is in fact being pursued or will be pursued to the fullest extent possible, we look forward to that correction.

On respecting the process, I'm a strong proponent of due process (and law and order, for that matter), which is why I am (and the parties involved are) very keen to see all relevant components of 13 VSA 354 pursued to the fullest extent possible. This is very much about utilizing the law for the purpose it was written.

On restitution, I'm heartened to hear that there's interest by the state in recouping the costs incurred by the parties involved. I don't think that goodwill donations will be sufficient to cover all the costs incurred (vet expenses, food, new fencing/housing costs) nor fair to place the financial burden on the community versus holding the offending party culpable for all animals per 13 VSA 354. We will certainly do all we can to campaign for funds for the multiple nonprofits that have received these animals, but this shouldn't be left to the community to cover costs. Especially when there's a law in place to do otherwise.

Thanks again for your response.

Upon further research, it appears the State of Vermont didn't do everything in its power to ensure there were liens on the animals seized in order to cover all expenses incurred (per VSA below), and that, in contrast, the sanctuaries taking the animals were apparently forced/rushed into responsibility for these costs within 4 days of the seizure.

My main question for you is this: Why wouldn't State of Vermont attorneys, in representing the interests of the state (and its tax-paying citizens), do everything in their power to ensure there were liens on each animal and that reasonable costs, including veterinary expenses, were covered for animals seized? It appears that the potentially bankruptcy-producing financial burden on the receiving non-profit sanctuaries could've been avoided had State of Vermont attorneys protected the public in this case.

I look forward to your response as to why this didn't happen and how it can be ameliorated.

Other data-related questions:

Is the state involved in following up with the animals?

Is there any tracking on the animals to see if they survived or died after taking them and if they died what was the cause?

How were the vets that were involved compensated?

Did they receive the monetary and physical support they needed to fully examine all of the animals in the 72hrs allotted by statute?

If so where and when did this take place?

13 VSA section 354:

*(c) A humane officer shall provide suitable care at a reasonable cost for an animal seized under this section, and have a lien on the animal for all expenses incurred.*

*(g)(1) If the defendant is convicted of criminal charges under this chapter or if an order of forfeiture is entered against an owner under this section, the defendant or owner shall be required to repay all reasonable costs incurred by the custodial caregiver for caring for the animal, including veterinary expenses.*

Thanks so much for time and attention to these questions and I look forward to your thoughts.

On Tue, Jun 23, 2020 at 9:58 AM Michael Shank <[michael.john.shank@gmail.com](mailto:michael.john.shank@gmail.com)> wrote:  
During Brandon's Select Board meeting last night, we discussed the Vermont Statute below and I wanted to follow up with you to see how we can proceed w/ multiple claims given the multiple custodial caregivers throughout the town/state that have spent thousands of dollars (likely tens of thousands of dollars) caring for Hegarty's abused and neglected animals. Per below, Hegarty, once convicted, should owe multiple farms throughout the state. I'm one of those caregivers but I'm not emailing for personal compensation since my veterinarian and new fencing bills on 7 goats and 2 sheep from Hegarty's farm pales in comparison to what Kinder Way Farm Sanctuary and others have paid. (We should be able to calculate emotional expense/toll here, too, since some of these sick animals have died in our arms shortly after arrival, but I'll stick with the

Brandon Select Board Hearing  
On Proposed Amendments to Animal Control Ordinance  
July 13, 2020

quantifiable vet and housing expenses for now.) I look forward to hearing from you on how we begin to itemize and submit these claims so that Hegarty, once convicted, pays everyone who was responsible for caretaking. Thank you for your time and I look forward to your thoughts. - Michael

<https://legislature.vermont.gov/statutes/section/13/008/00354>

g)(1) If the defendant is convicted of criminal charges under this chapter or if an order of forfeiture is entered against an owner under this section, the defendant or owner shall be required to repay all reasonable costs incurred by the custodial caregiver for caring for the animal, including veterinary expenses.

# 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

## SMALL FARMING OPERATION (SFO)



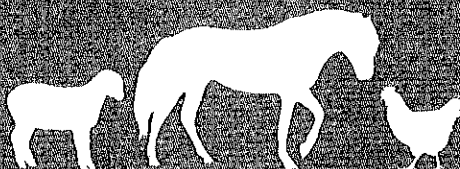
Operate 4 or more acres for farming; OR

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 helpers, 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



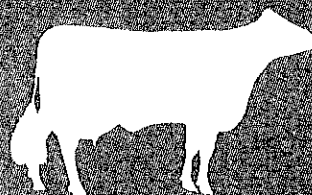
Operate more than 50 acres of vegetable production.

### Other Requirements:

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

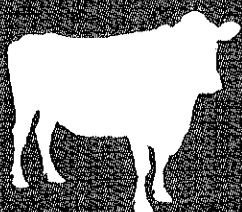
## MEDIUM FARM OPERATION (MFO)

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



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

## LARGE FARM OPERATION (LFO)



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

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



**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 22<sup>nd</sup> 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 22<sup>nd</sup> 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 29<sup>th</sup> and July 6<sup>th</sup>, 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 21<sup>st</sup> and 22<sup>nd</sup> 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 14<sup>th</sup> 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 11<sup>th</sup> 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 15<sup>th</sup>**

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 15<sup>th</sup> 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 15<sup>th</sup>. **The motion passed unanimously.**

Sue Gage recommended keeping the remaining due dates as scheduled, which would be November 15<sup>th</sup>, February 15<sup>th</sup>, and May 15<sup>th</sup> 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 13<sup>th</sup>, 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 13<sup>th</sup>, 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 13<sup>th</sup> 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



## **Town Manager Report for weeks of July 13<sup>th</sup> and July 20<sup>th</sup>, 2020**

### **Segment Six:**

Bridge slab removal continues. Had an on-site meeting with John at Fuss & O'Neil to discuss safe removal of the concrete beam that runs along the Town Office and to determine if it provides any support to the office. The cofferdam has been constructed for the new construction of the middle pier.

### **Park Street:**

The sewer and water mainline connections were completed last week. Stormwater construction will start next week

### **Other Happenings:**

The culvert installation on Churchill Road has been completed. We are working on the project closeout. Finally.

Had a video meeting with Aldrich & Elliot and the State to review the Preliminary Engineering Report on the upgrade recommendations at the WWTP. An electronic copy of the PER has been sent to the Select Board.

The paving shim and overlay on Park Street Extension, Corona Street and paved portion of Country Club Road have been completed.

I have received 4 letters of interest for the open Assessor Assistant position. I will be setting up interviews this week.

**Other items will be covered in the agenda.**

## David Atherton

---

**From:** Ralph Ethier <RBENWP@hotmail.com>  
**Sent:** Thursday, July 23, 2020 7:54 AM  
**To:** David Atherton  
**Subject:** DRB

I AM INTERESTED IN BEING APPOINTED TO THE DRB.

TAX RATE 2020/2021

TAX RATE CALCULATION FYE 6/30/2021	
COMPONENTS	
Grand List	3,441,299
Local Agreements	
Voted Exempt Properties, Muni	521,900
BARS - Grandfathered Contract	584,200
Veterans Exemptions, Muni	1,320,000
Voted Exempt Properties, Ed, Non Res	521,900
Veterans Exemptions >10K, Ed, Non-Res	150,000
Veterans Exemptions >10K, Ed, Homestead	840,000
Tax Stabilization - Not Stabilized for Ed Tax	1,965,400
Municipal Budget	
Town Budget to Be Raised by Taxes	2,718,353
Voted Appropriations	271,024
Fire District Budget	286,900
<b>BUDGET TO BE RAISED BY TAXES</b>	<b>2,718,353</b>
Grand List *	3,441,299
<b>Tax Rate</b>	<b>0.7899</b>
<b>Appropriations, ALL REQUESTS</b>	<b>271,024</b>
Grand List *	3,441,299
<b>Approp. Tax Rate</b>	<b>0.0788</b>
<b>Brandon Fire District</b>	<b>286,900</b>
Grand List *	3,441,299
<b>Tax Rate</b>	<b>0.0834</b>
<b>Municipal Agreement Rate</b>	<b>0.0064</b>

TAX RATES PRIOR YEARS			TAX RATE APPROVED
Municipal Rate	2018/2019	2019/2020	2020/2021
Town Budget	0.7856	0.8026	0.7899
Appropriations, voted	0.0792	0.0660	0.0788
Local Agreement Rate	0.0105	0.0077	0.0064
Fire District	0.0871	0.0867	0.0834
<b>Total Municipal Rate</b>	<b>0.9624</b>	<b>0.9630</b>	<b>0.9584</b>
<b>Education Rate</b>			
Homestead	1.3277	1.3343	1.3479
Non Residential	1.5189	1.5516	1.5763

**\*\*Miscellaneous Tax of \$1,639.15 assessed for Fire District Tax on Tax Stabilized Properties.**

Approved by the Selectboard at regularly scheduled meeting on July 27, 2020

Seth Hopkins

Doug Bailey

Brian Coolidge

Tim Guiles

Tracy Wyman



## MEMORANDUM TO SELECTBOARD

July 13, 2020

I have received two offers on the 44 Prospect Street property. Per the new policy for selling a Town asset I have included the following:

- ✓ Both offers received
- ✓ Administrator's Deed in to the Town of Brandon
- ✓ Current lister card

Sincerely,

David Atherton, Town Manager

*received 7/1/20*

**JANET AND JOEL MONDLAK**  
**PO BOX 66**  
**BRANDON, VT 05733**  
**janetmondlak@gmail.com**  
**802-558-1760**

July 1, 2020

David Atherton  
Town of Brandon  
Brandon, VT 05733

Dear Dave,

Please accept this letter of interest in 44 Prospect St.

We are interested in buying the property with friends, Doug and Devora Haeuber, who live out of state. We would use the home as our residence as we are hesitant to go back on the RV road for the foreseeable future. Doug and Devora would use the house as a vacation home. They have been visiting Brandon for +30 years and love the town as well!

Our offer is the town's asking price of \$30,500, cash with no contingencies – "as is."

Please let us know if you have any questions. We look forward to renovating and preserving the home – making it beautiful again. And putting it back on the tax rolls!

Thank you,

Janet and Joel Mondlak

## SHIELDS CONSTRUCTION

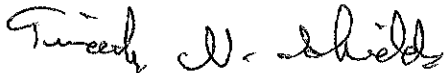
Tim Shields  
(802)247-5778

8 Walnut St.  
Brandon VT

Town of Brandon  
49 Center Street  
Brandon, Vt 05733

I am making an offer of \$20,000.00 for the property that belonged to George Dinn on 44 Prospect St. I can submit a deposit of \$1000.00 if the town would like to have one.

Timothy V. Shields

A handwritten signature in cursive script that reads "Timothy V. Shields". The ink is dark and the signature is fluid, with the first name being the most prominent.

**- ACKNOWLEDGMENT -**

Return Received (including certificates and, if  
required Act. 250 Disclosure Statement).

Return No. 2480113

Signed James M. Jeter Clerk

Date Dec. 12, 2019

TOWN OF BRANDON, VT

Received for record Dec 12 20 19

at 10:35 and recorded in  
Brandon Land Records, Book 245 Page 217-218

Attest: James M. Jeter  
Town Clerk JSJ

**ADMINISTRATOR'S DEED**

**KNOW ALL PERSONS BY THESE PRESENTS** that, DAVID ATHERTON, Town Manager of the Town of Brandon, in the County of Rutland, State of Vermont, acting as Administrator for the Estate of George N. Dinn, late of Brandon, in the County of Rutland, and State of Vermont, deceased, SENDS GREETING: WHEREAS, the Honorable Superior Court, Probate Division, Rutland Unit at a session thereof, holden at the Probate Office in Rutland, on the 16th day of September, 2019, on due petition in writing, for that purpose, which said petition having been duly served and published according to law, did appoint, and authorize DAVID ATHERTON, Town Manager of the Town of Brandon, as Administrator of said Estate, to convey lands of the said deceased, George N. Dinn, to the TOWN OF BRANDON, a municipality located in the County of Rutland, and State of Vermont, in accordance with an Order Regarding Petition for Conveyance When Record Holder Deceased Pursuant to 14 V.S.A. §1801-1804 dated September 16, 2018 ("Order"), said Order to be recorded of even dated herewith in the Brandon Land Records;

**NOW KNOW YE**, that pursuant to the appointment and authority granted in the Order aforesaid, and not otherwise, I do by these presents, Grant, Bargain, Sell, Convey and Confirm unto the said Grantee, the TOWN OF BRANDON, and its successors and assigns, the following described lands and premises in the Town of Brandon, County of Rutland and State of Vermont, being commonly known as 44 Prospect Street, Brandon, Vermont and described as follows, viz:

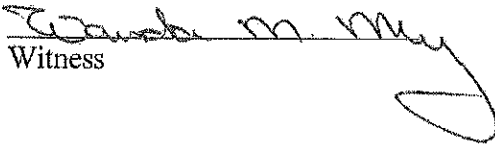
Being all the same lands and premises conveyed to George N. Dinn by Quit Claim Deed from Mary L. Provost and William Lundrigan, dated August 8, 1967, and recorded in Book 78 at Page 362 of the Brandon Land Records LESS those portions of said lands and premises (1) conveyed by George N. Dinn to Frank L. Bunting and Nancy B. Bunting by Warranty Deed dated November 25, 1986 and recorded in Book 94 at Page 352 of the Brandon Land Records and (2) conveyed by George N. Dinn to Frank L. Bunting and Nancy B. Bunting by Warranty Deed dated January 19, 1987 and recorded in Book 101 at Page 107 of the Brandon Land Records.

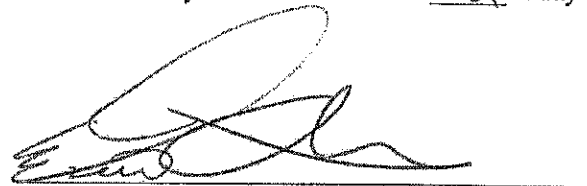
**TO HAVE AND TO HOLD** the said premises, with all the privileges and appurtenances thereof, to the said Grantee, the TOWN OF BRANDON, and its successors and

assigns, forever, to them and their own use. And I the said DAVID ATHERTON, Town Manager of the Town of Brandon, acting as Administrator for the Estate of GEORGE N. DINN, deceased, do covenant with the said Grantee, the TOWN OF BRANDON, and its successors and assigns, that the said George N. Dinn died seized of the granted premises; that I am duly authorized by the Court aforesaid, to convey the same to the said Grantee, the TOWN OF BRANDON, in the manner and form aforesaid; that I have in all things observed the direction of the law and the Order aforesaid, in the conveyance; and that I and my successor administrators shall WARRANT AND DEFEND said premises against all persons claiming the same, by, from or under the said George N. Dinn or David Atherton, Administrator, but against no other person.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of December, 2019.

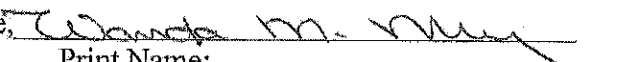
IN PRESENCE OF:

  
Witness

  
DAVID ATHERTON,  
Town Manager of the Town of Brandon,  
acting as Administrator for the Estate of  
GEORGE N. DINN

STATE OF VERMONT  
RUTLAND COUNTY, SS.

At Brandon, in said County and State, on this 12th day of December, 2019, personally appeared DAVID ATHERTON, Town Manager of the Town of Brandon, acting as Administrator for the Estate of GEORGE N. DINN, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Estate of George N. Dinn.

Before Me,   
Print Name: \_\_\_\_\_  
Notary Public, State of Vermont  
Commission No.: \_\_\_\_\_  
Commission Expiration: 1/31/21

CARROLL, BOE & FELL, P.C.  
64 COURT STREET  
MIDDLEBURY, VT 05753  
(802) 388-6711  
FAX 388-2111

Wanda M. Murray  
Notary Public State of Vermont  
Commission Expires: 1/31/2021  
Commission #0006359



**Itemized Property Costs**  
**Town of Brandon 2020**

From Table: MAIN Section 1

Record # 3903

<b>Property ID:</b> 0059-0044	<b>Span #:</b> 078-024-10495	<b>Last Inspected:</b> 04/02/2019	<b>Cost Update:</b> 07/17/2020
<b>Owner(s):</b> BRANDON TOWN OF		<b>Sale Price:</b> 0	<b>Book:</b> 245 <b>Validity:</b> No Data
<b>Address:</b> 49 CENTER ST		<b>Sale Date:</b> 12/12/2019	<b>Page:</b> 217
<b>City/St/Zip:</b> BRANDON VT 05733		<b>Bldg Type:</b> Single	<b>Quality:</b> 3.25    AVG/GOOD
<b>Location:</b> 44 PROSPECT ST		<b>Style:</b> 1.5 Fin	<b>Frame:</b> Studded
<b>Description:</b> DWL & .74 AC		<b>Area:</b> 1040	<b>Yr Built:</b> 1800 <b>Eff Age:</b> 100
<b>Tax Map #:</b> 22-50-39		<b># Rms:</b> 6	<b># Bedrm:</b> 3 <b># Ktchns:</b> 1
		<b># 1/2 Bath:</b> 0	<b># Baths:</b> 1

Item	Description	Percent	Quantity	Unit Cost	Total			
BASE COST								
Exterior Wall #1:	BrkVenr / Ht=8	100.00		106.23				
ADJUSTMENTS								
Roof #1:	Slate	100.00		7.17				
Subfloor	Wood							
Floor cover #1:	Allowance	100.00		4.25				
Heat/cooling #1:	HW BB/ST	100.00		2.14				
Energy Adjustment	Below Avg			-1.37				
ADJUSTED BASE COST			1,040.00	118.42	123,151			
ADDITIONAL FEATURES								
Fixtures (beyond allowance of 8)			-3.00	1,690.00	-5,070			
Roughins (beyond allowance of 1)				635.00				
Porch #1:	WoodDck/NoWall/Roof/N		280.00	29.16	8,165			
Porch #2:	OpenSlb/NoWall/Roof/No		45.00	25.75	1,159			
Basement	Stone		1,040.00	23.94	24,898			
Garage/Shed #1:	A/1S/WdSidng/No		96.00	37.41	3,591			
Subtotal					155,893			
Local multiplier		0.95						
Current multiplier		1.00						
REPLACEMENT COST NEW					148,098			
Condition	Salvage	Percent						
Physical depreciation		90.00						
Functional depreciation								
Economic depreciation								
REPLACEMENT COST NEW LESS DEPRECIATION					14,800			
LAND PRICES		Size	Nbhd Mult	Grade	Depth/Rate			
SI Bldg Lot		0.74	1.00	1.00	32,400			
Total		0.74	32,400					
SITE IMPROVEMENTS		Hsite/Hstd	Quantity	Quality				
Water	y / y	Typical		Average	5,000			
Sewer	y / y	Typical		Average	10,000			
Total					15,000			
OUTBUILDINGS		Hsite/Hstd	% Good	Size	Rate. Extras			
Barn, GP	y / y	40		480	9.24			
Total					4,400			
TOTAL PROPERTY VALUE					66,600			

**NOTES**

HOUSESITE VALUE :	66,600
HOMESTEAD VALUE :	66,600



**SELECTBOARD**

SETH HOPKINS, CHAIR  
DOUG BAILEY, VICE-CHAIR  
TRACY WYMAN, CLERK  
BRIAN COOLIDGE, SELECTMAN  
TIM GUILLES, SELECTMAN

Date: 22 July 2020  
To: Selectboard, Town Manager, Chief of Police, Animal Control Officer  
From: Seth Hopkins & Tim Guiles (subcommittee)  
Subj: Animal Control Ordinance Recommendations

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Considering suggestions made at the public hearing on 13 July 2020 and further review of Vermont statute, to aid the selectboard regarding the Town's animal control ordinance, WE RECOMMEND:

- 1 That the selectboard adopt the draft animal control ordinance as presented at the 13 July 2020 hearing/meeting. This draft is based on the VLCT model animal control ordinance for municipalities.
- 2 That the "flow chart" and the "farm size" infographics be attached to the animal control ordinance as Appendix A and Appendix B respectively.
- 3 That the board find no further action need be taken for Brandon's animal control officer to discharge the duties of a humane officer as set forth in Vermont law. Per VT Statute Title 13: Crimes and Criminal Procedure, Chapter 8: Humane and Proper Treatment of Animals, Subchapter 1: Cruelty To Animals § 351 (4): an "animal control officer appointed by the legislative body of a municipality" is designated a "humane officer". Also, in that same subchapter, § 354(b): "Any humane officer ... may enforce this chapter." The board appointed Margaret Kahrs as Brandon's animal control officer on 27 January 2020.
- 4 That the animal control officer pursue training for Vermont animal control officers and Vermont humane officers, enrolling in such courses as soon as they become available, the cost of such training and reasonable expenses to be borne by the Town upon submission of successful course completion to the town manager.
- 5 That the animal control officer be directed to work at all times in collaboration with the Brandon Police Department, to whom she will address all questions of application of law and process. Any animal complaints referred to the ACO by BPD, and those generated by the ACO will be documented using the Brandon Police Department record keeping system.
- 6 That the animal control officer be provided, as she has already partially been, the equipment required to enforce the Town's ordinance, such equipment to be pre-approved by the town manager and to be returned to the Town in serviceable condition at the conclusion of her tenure. This does not include equipment required to be a poundkeeper, for which service the Town works with the Rutland County Humane Society.
- 7 That the animal control officer be provided with physical copies of the following, and be required to attest to her responsibility for and understanding the contents thereof in a signed statement returned to the board: (a) the Brandon Animal Control Ordinance including its Appendices; (b) the complete text of Chapter 8 of Title 13 VSA: Humane & Proper Treatment of Animals; and (c) VLCT's Big Book of Woof.
- 8 That the animal control officer, town manager, chief of police, and any others designated by the board meet either in person or by electronic means to conduct an orientation to (a) Brandon's community value of compliance being our primary goal in all matters of municipal code/ordinance enforcement and (b) the level of responsiveness the selectboard desires of the animal control officer.

Respectfully submitted.

**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 vsa 1974a.

**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

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### Adoption History

\_\_\_\_\_ DA TE

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.]



07/24/20

01:28 pm

## TOWN OF BRANDON Accounts Payable

Page 1 of 2

Check Warrant Report # 63351 Prior FY Invoices

Jacolyn

Manually Selected For Check Acct 01(10 General Fund) 06/30/20 To 06/30/20

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
100900	BEDARD, KEVIN M JR.	07/23/20 over paid prop taxes 0058-0008	10-2-00-02120 Anticipated Tax Credits	1499.26	48633	07/27/20
100860	CARROLL, BOE & PELL P.C.	06/30/20 miscellaneous legal 34089	10-5-10-21110 Legal Services	189.00	48634	07/27/20
100462	CASELLA WASTE MANAGEMENT	07/01/20 June trucking of sludge 2424032	20-5-55-50170 Trucking	1215.00	48635	07/27/20
300296	CHAMPLAIN VALLEY EQUIPMEN	07/16/20 straw blower EM06862	10-5-15-41110 New Equipment-Misc. Tools	7170.00	48636	07/27/20
310037	CONSOLIDATED COMMUNICATIO	07/06/20 service: Jun 06 to Jul 05 PD070620	10-5-14-42100 PD Telephone Service	46.39	48637	07/27/20
310544	DAVIS, WADE	07/24/20 hip hop refund DAVIS	10-4-18-40090 Cheerleading	25.00	48638	07/27/20
310544	DELACRUZ, STEPHANIE	07/24/20 hip hop refund DELACRUZ	10-4-18-40090 Cheerleading	25.00	48639	07/27/20
310233	GREEN MOUNTAIN POWER	07/15/20 ww second light June 2ND 7/20	20-5-55-42130 Electric	25.92	48640	07/27/20
310233	GREEN MOUNTAIN POWER	07/15/20 bryant circle June 65 BRY7/20	20-5-55-42130 Electric	25.34	48640	07/27/20
310233	GREEN MOUNTAIN POWER	07/15/20 73 pump station for June 73 PUMP 7/20	20-5-55-42130 Electric	65.14	48640	07/27/20
310233	GREEN MOUNTAIN POWER	07/15/20 crescent park June CRESC 7/20	10-5-22-42130 Bldgs & Grounds Electric	190.83	48640	07/27/20
310233	GREEN MOUNTAIN POWER	07/15/20 center st gazebo June GAZEB 7/20	10-5-22-42130 Bldgs & Grounds Electric	22.88	48640	07/27/20
310233	GREEN MOUNTAIN POWER	07/15/20 street lights June STLITES 7/20	10-5-22-42130 Bldgs & Grounds Electric	2907.98	48640	07/27/20
310233	GREEN MOUNTAIN POWER	07/15/20 union park & lights June UNION 7/20	10-5-22-42130 Bldgs & Grounds Electric	566.03	48640	07/27/20
311021	J. HUTCHINS INC	07/01/20 Churchill Culvert #1 REQ 1	46-5-15-26000 CB Box Culvert	90530.02	48641	07/27/20
310938	JOHN TURNER CONSULTING	07/10/20 Union Sidewalk Engineer 1950002-09	46-5-20-50100 Union Sidewalk CI	3428.20	48627	07/14/20
310544	MARTIN, SAVANNAH	07/24/20 hip hop refund MARTIN	10-4-18-40090 Cheerleading	25.00	48642	07/27/20
300375	RUTLAND CITY	07/15/20 JUNE sludge processing 27198SLUDG	20-5-55-50160 Sludge Disposal	3600.00	48643	07/27/20
310544	SCARBOROUGH, TAMMY	07/24/20 hip hop refund SCARBOROUGH	10-4-18-40090 Cheerleading	25.00	48644	07/27/20
311022	SMELA, GREG	07/24/20 bee seminar refund JUNE 2020	10-4-22-30100 Town Hall Rent	100.00	48645	07/27/20
310046	W.B. MASON CO INC	06/29/20 fan 211555012	10-5-14-30110 Office Supplies	18.99	48646	07/27/20

01:28 pm

Check Warrant Report # 63351 Prior FY Invoices

Page 2 of 2

Jacelyn

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 \$ \*\*\*111,720.98

Let this be your order for the payments of these amounts.

FY 2019-2020

07/24/20

01:46 pm

## TOWN OF BRANDON Accounts Payable

Page 1 of 3

Check Warrant Report # 63357 Current Prior Next FY Invoices

Jacolyn

All Invoices For Check Acct 01(10 General Fund) 07/27/20 To 07/27/20

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
100015 ALLEN ENGINEERING & CHEMI	07/10/20	chlorine 11151933601	20-5-55-50120 Sodium Hypochlorite	514.80	48647	07/27/20
100015 ALLEN ENGINEERING & CHEMI	07/16/20	filters for fountains 220-500576	10-5-22-43160 Parks Maint.	186.40	48647	07/27/20
310861 BIASUZZI, JEFFREY	07/20/20	postage 07/20/20	10-5-10-30132 Postage Expenses	28.85	48648	07/27/20
310699 BRANDON GLC SOLAR, LLC	08/01/20	solar 163	10-5-22-42130 Bldgs & Grounds Electric	2365.00	48649	07/27/20
310699 BRANDON GLC SOLAR, LLC	08/01/20	solar 163	20-5-55-42130 Electric	1935.00	48649	07/27/20
100280 BRANDON LUMBER & MILLWORK	07/07/20	telescopic washbrush 841315/3	10-5-15-46110 Paving Roads	12.99	48650	07/27/20
100280 BRANDON LUMBER & MILLWORK	07/10/20	screws 841911/3	20-5-55-43160 Maint. Supplies - General	9.60	48650	07/27/20
100280 BRANDON LUMBER & MILLWORK	07/10/20	wasp & hornet killer 841993/3	10-5-10-30110 Office Supplies	3.99	48650	07/27/20
100280 BRANDON LUMBER & MILLWORK	07/14/20	lumber, rebar 842661/3	10-5-22-43080 Highway Bldg Maint	242.70	48650	07/27/20
100280 BRANDON LUMBER & MILLWORK	07/15/20	Roundup & sprayer 842757/3	20-5-55-43160 Maint. Supplies - General	56.98	48650	07/27/20
100280 BRANDON LUMBER & MILLWORK	07/15/20	materials for skid 842790/3	10-5-15-41110 New Equipment-Misc. Tools	45.63	48650	07/27/20
100280 BRANDON LUMBER & MILLWORK	07/16/20	plastic sheeting 843023/3	10-5-22-97010 Capital - Rollover Funds	79.99	48650	07/27/20
100280 BRANDON LUMBER & MILLWORK	07/21/20	painting supplies 843798/3	10-5-22-43080 Highway Bldg Maint	415.07	48650	07/27/20
100280 BRANDON LUMBER & MILLWORK	07/22/20	painting supplies 843963/3	10-5-22-43080 Highway Bldg Maint	133.31	48650	07/27/20
300286 CASELLA CONSTRUCTION INC	07/13/20	light bracket 17037-FOB-1	10-5-10-10320 Misc.	1430.00	48651	07/27/20
310712 CELEBRATION RENTALS, INC.	07/15/20	election tent rental 19126	10-5-13-20010 Elections	780.00	48652	07/27/20
301503 CHAMPLAIN VALLEY FUELS	07/08/20	diesel fuel 365432	10-5-15-41130 Fuel - Vehicles HW	319.88	48653	07/27/20
301503 CHAMPLAIN VALLEY FUELS	07/14/20	gasoline 365807	10-5-14-41130 Fuel - Vehicles	270.26	48653	07/27/20
301503 CHAMPLAIN VALLEY FUELS	07/14/20	diesel fuel 365977	10-5-15-41130 Fuel - Vehicles HW	243.87	48653	07/27/20
310946 CINTAS	07/13/20	uniforms 4055615722	20-5-55-10320 Clothing Allowance	17.85	48654	07/27/20
310946 CINTAS	07/13/20	uniforms 4055615722	10-5-15-10320 Clothing Allowance	65.58	48654	07/27/20
310946 CINTAS	07/20/20	uniforms 4056331557	10-5-15-10320 Clothing Allowance	74.83	48654	07/27/20
310946 CINTAS	07/20/20	uniforms 4056331557	20-5-55-10320 Clothing Allowance	17.85	48654	07/27/20
310097 COMCAST	06/27/20	service: 07/04 - 08/03 PD06/27/20	10-5-14-42100 PD Telephone Service	310.55	48655	07/27/20
310097 COMCAST	07/23/20	town hall for July TH 7/9/2020	10-5-22-43150 Town Hall Repair/Maint.	87.24	48656	07/27/20

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## TOWN OF BRANDON Accounts Payable

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Check Warrant Report # 63357 Current Prior Next FY Invoices

Jacolyn

All Invoices For Check Acct 01(10 General Fund) 07/27/20 To 07/27/20

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
100470	CROSBY'S SALES & SERVICE	07/07/20 repair of pumps 0065061	20-5-55-43160 Maint. Supplies - General	19.68	48657	07/27/20
100470	CROSBY'S SALES & SERVICE	07/07/20 repair of pumps 0065061	20-5-55-20240 Contractors	60.00	48657	07/27/20
100494	ENDYNE INC	07/10/20 testing 337370	20-5-55-22120 Testing	25.00	48658	07/27/20
100756	F W WEBB COMPANY	07/07/20 coupling 67781633	20-5-55-51310 Collection Systems	340.62	48659	07/27/20
300492	FASTENAL COMPANY	07/09/20 screws VTRUT104631	20-5-55-43160 Maint. Supplies - General	11.70	48660	07/27/20
100615	FISHER SCIENTIFIC COMPANY	07/15/20 buffers, filter pads 3470733	20-5-55-30120 Professional Supplies	132.12	48661	07/27/20
300187	FLORENCE CRUSHED STONE	07/11/20 stone 228624	10-5-15-46140 Gravel	808.42	48662	07/27/20
300187	FLORENCE CRUSHED STONE	07/18/20 gravel, stone 228666	10-5-15-46140 Gravel	813.17	48662	07/27/20
100725	GREEN MOUNTAIN GARAGE	07/15/20 oil filter 154195	10-5-15-41160 HW Maint. Supplies-Vehicl	18.16	48663	07/27/20
100725	GREEN MOUNTAIN GARAGE	07/17/20 screws, nuts, washers 154295	20-5-55-41180 Maintenance-Vehicles	2.20	48663	07/27/20
100725	GREEN MOUNTAIN GARAGE	07/17/20 oil, filters 154299	10-5-15-41140 Oil - Vehicles	655.90	48663	07/27/20
100725	GREEN MOUNTAIN GARAGE	07/17/20 oil, filters 154299	10-5-15-41160 HW Maint. Supplies-Vehicl	193.71	48663	07/27/20
100725	GREEN MOUNTAIN GARAGE	07/21/20 oil 154469	20-5-55-43160 Maint. Supplies - General	6.53	48663	07/27/20
100559	HACH COMPANY	07/16/20 test strips 12037685	20-5-55-30120 Professional Supplies	133.19	48664	07/27/20
300600	HOLLAND COMPANY INC	07/21/20 sodium bisulfite 4344	20-5-55-50140 Sodium Bisulfite	1910.00	48665	07/27/20
100792	HULBERT SUPPLY CO INC	07/10/20 adapter, coupling X007742	20-5-55-43160 Maint. Supplies - General	7.80	48666	07/27/20
310552	INNOVATIVE SURFACE SOLUTI	07/16/20 chloride INV55335	10-5-15-46150 Chloride	4090.45	48667	07/27/20
310916	J & R SPRINKLER COMPANY	07/21/20 Town Hall Sprinkler test 11721	10-5-22-43150 Town Hall Repair/Maint.	400.00	48668	07/27/20
100679	JOSEPH F. CARRARA & SONS,	07/15/20 bag ties 100679	10-5-22-43080 Highway Bldg Maint	4.30	48669	07/27/20
300726	MAHER CORPORATION	07/21/20 pump parts 26973	20-5-55-43160 Maint. Supplies - General	1039.18	48670	07/27/20
310766	MAINECAL, INC.	07/08/20 repair of oxygen meter 1818	20-5-55-20121 Professional Services	152.00	48671	07/27/20
310796	NATIONAL BUSINESS LEASING	07/11/20 lease: 7/1/20 - 7/31/20 68629651	10-5-10-30130 Service Contracts	102.00	48672	07/27/20
100283	PIKE INDUSTRIES, INC	07/17/20 paving- shim & top on: 41490	10-5-15-46110 Paving Roads	157531.85	48673	07/27/20
	Corona, Park, Country Club Rd's					
310794	PIONEER MANUFACTURING COM	07/07/20 white field paint INV758308	10-5-18-40000 Youth Soccer	248.00	48674	07/27/20
300895	RUTLAND PRINTING COMPANY,	07/10/20 window envelopes 27034	10-5-10-30110 Office Supplies	218.70	48675	07/27/20

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TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63357 Current Prior Next FY Invoices  
All Invoices For Check Acct 01 (10 General Fund) 07/27/20 To 07/27/20

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Jacolyn

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
200277 THUNDER TOWING & AUTO REC	07/08/20	control arm 6325	10-5-14-41180 PD Vehicle Maintenance	629.24	48676	07/27/20
100630 US POSTMASTER, BRANDON	07/16/20	stamp order 7/16/20	10-5-10-30132 Postage Expenses	741.00	48677	07/27/20
300853 USDA	07/02/20	Champ PS Bond pymt 7/2/20	20-5-55-60600 USDA Bond Champlain PS in	5343.22	-----	---/--/---
300853 USDA	07/02/20	Champ PS Bond pymt 7/2/20	20-5-55-60610 USDA Bond-Champ. PS-Prin	6138.78	-----	---/--/---
310046 W.B. MASON CO INC	07/09/20	toner 211855895	10-5-10-30110 Office Supplies	149.97	48678	07/27/20
310046 W.B. MASON CO INC	07/09/20	mouse 211866374	10-5-14-30110 Office Supplies	17.99	48679	07/27/20
310046 W.B. MASON CO INC	07/13/20	toner, clipboards, etc 211933580	10-5-10-30110 Office Supplies	143.74	48678	07/27/20
100577 WILK PAVING, INC	07/13/20	hot mix HM20-100	10-5-15-46110 Paving Roads	766.72	48679	07/27/20
301057 WIND RIVER ENVIRONMENTAL	07/14/20	vactor 4672440	20-5-55-20240 Contractors	2150.00	48680	07/27/20
330427 WINNING IMAGE GRAPHIX	07/22/20	voting signs 16778A	10-5-13-20010 Elections	415.00	48681	07/27/20
Report Total				195068.56	=====	

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 \$ \*\*\*195,068.56  
Let this be your order for the payments of these amounts.

FY 2020-2021

07/24/2020

## TOWN OF BRANDON Accounts Payable

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Check Warrant Report # 63347 Current Prior Next FY Invoices

Jacolyn

For checks For Check Acct 99(10 General Fund) 07/27/2020 To 07/27/2020

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
100255	BRANDON FIRE DISTRICT #1	5/14/19	S6 - Water Super.	12635.00	0.00	12635.00	48629 07/27/20
100255	BRANDON FIRE DISTRICT #1	7/14/20	S6 - Water Super.	36147.50	0.00	36147.50	48630 07/27/20
100456	DUBOIS & KING INC	720081	S6 CI progress rpt # 77	17229.05	0.00	17229.05	48631 07/27/20
310760	FUSS & O'NEILL INC	223821	S6 Roadway Design Servic	1743.65	0.00	1743.65	48632 07/27/20
Report Total			67,755.20	0.00	67,755.20		

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 \$ \*\*\*\*67,755.20

Let this be your order for the payments of these amounts.

Segment 6