

Brandon Select Board Meeting August 24, 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, Brent Buehler, Chris Brickell, Shari Vaccarella, Tom Kilpeck, Lee Kahrs, Bernie Carr, Jordan Stage, Stephanie Jerome

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

1. Call to order

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

Add Item 5a – Update on Bravo

Add Item 5b – Library Grant Issue

Add Item 5c – In-person Meeting Discussion

2. Approval of Minutes

a) Select Board Meeting – August 10, 2020

Motion by Tracy Wyman/Brian Coolidge to approve the minutes of the August 10th Select Board meeting. **The motion passed with one abstention – Doug Bailey.**

3. Town Manager's Report

Dave Atherton provided a report for the weeks of August 10th and August 17th, 2020.

Segment 6:

Concrete removal continues in preparation for setting the steel beams.

Park Street:

Granite curb installation started last week, and bio-swale work continues. Mr. Atherton is working with VTrans to get the spring paving done this fall, rather than next spring.

There could be money saved by doing this and Mr. Atherton hopes that they approve the request.

Other happenings:

Attended Regional Planning Commissioners meeting via Zoom on August 20th.

Have a video meeting with Watershed Consulting and NRCS to complete more storm water runoff work in the town parking lot on Center Street and bio-swale work on Pearl Street. All costs are covered by the grant the Town received through NRCS earlier this year. It is hoped to do some site work and do scoping to see what is involved.

Started submitting COVID-19 related expenses to FEMA and the State for reimbursement. Mr. Atherton completed the State's paperwork last week and the Town is required to submit to both the State and FEMA. FEMA will be covering 75% and the State will pick up the rest. The submission was done for expenses up to June 30th and there will be a submission done at the end of the year.

Rec News:

In partnership with Paramount Theatre, the Jack McKernon Drive-in opened on August 8th and 9th with the movie Grease, as well as welcoming local food vendors to Estabrook Park to sell their wares. Walking Stick Theatre was granted the non-profit slot, and the students who are travelling to Scotland in 2021 are selling popcorn, soda and treats to raise money. By opening up Estabrook to food vendors, we are creating a market for these folks who otherwise would be on the brink of losing businesses. Brandon Rec receives \$5 per ticket sold through paramountvt.org and the Paramount accepts responsibility for the movie rights, projection, and marketing. The movies are selling out.

Beginning August 21st, we have created the Friday Night Pick Up series with Carter Insurance out of Bristol. Each week, a local singer will be featured and will perform, literally, on the back of a pick-up truck. These performances will be socially distanced, and masks will be required by the audience. In addition, all performers will be within the "family pod". This means, on any given night, the only people performing together will have been living together during quarantine.

And, on Saturday Nights, we will be hosting a variety of presentations from local businesses. August 22nd, the Schwan's Frozen Food truck was at Estabrook; on another night, a Little Caesars fundraiser for Cheerleading will be held, and on another night, Maple producers will be there.

In addition, Pee Wee Cheer just wrapped up their summer season with 12 kids participating.

Corn Hole has been active throughout the summer with consistent numbers.

The Italian Film Series has been consistent and following specific COVID-19 guidelines.

Art for the Heart paintings will be collected in September with an October showing at the BFPL.

Going forward, we will be holding Youth Cheer, and Youth Soccer as well as developing active, safe sports for kids. We are in communication with Stafford for development of a fishing access on Wheeler and also a walking trail at Estabrook – both suggested activities for individuals.

Tim Guiles questioned if there is a plan for trimming the trees along the Town's sidewalks. Dave Atherton advised there is a five-year plan that was developed, and the Town was advised not to trim the new trees for the 1st or 2nd year. Mr. Atherton will look at the trees on Carver Street that were sited as a problem.

Doug Bailey asked if there are any new buyouts on Newton Road. Dave Atherton reported two properties rescinded and the only property in the works right now is 389 Newton Road. Mr. Bailey asked if there is any plan to do something with the two lots that are side by side for access to the river. Mr. Atherton stated there are ideas being discussed. He spoke with Fish and Wildlife to see if they were interested, but they are not at this point. There has been discussion of a possible ball field. Mr. Bailey asked whether Churchill Road is open to the parking lot. Mr. Atherton reported the culvert is done but the Forest Service has not reached out to the Town yet. People can drive down the road and it is safe. Mr. Bailey questioned the status of the town hall roof issue. Mr. Atherton advised the Town is moving forward with the project, due to the Fire Safety permit deadline. Wright Construction will start the project when they can, and it will be done before snow season. Mr. Bailey questioned the status of the Town's personnel at this point, in particular the status of the School Resource Officer. Mr. Atherton reported OVUHS still wants to move forward with the resource officer and the RNESU Superintendent and he have been working on this with the town's attorney. There is an officer in training, Chris Bowman. As far as the DPW, this department is good, and they have been doing a phenomenal job. They currently are prepping for the Town garage hut that will be installed with all work being done in-house. The Town has hired an Assistant Assessor. Mr. Bailey questioned if the Police Department is back to 100% with the officer in training and Mr. Atherton advised that the Department is still down one employee.

Brent Buehler asked when the warranty period ends for the new trees and bushes. Mr. Atherton reported the warranty from Casella is one year after the project is closed out. Bernie Carr stated many of the trees that need trimming are on private property and perhaps something could be put in The Report. Mr. Atherton will look into this item.

4. Public Comment and Participation

Seth Hopkins noted the Town received an email concerning debris in the waterfall and Mr. Atherton has taken care of the manufactured items. The State's feeling is natural items are part of fish habitat and permission from the State is required to move those types of items. Dave Atherton stated the river is quite low and any natural debris that is on the riverbank can be removed. Mr. Hopkins stated the Town Manager worked quickly to remove the items that could be removed.

Stephane Jerome reported there are new emergency economic recovery plans and there is still money remaining for individually owned businesses that many Brandon businesses could take advantage of. There is a Forestry Economy Stabilization program that is for wood-related businesses and also Childcare Provider grants for reimbursement on expenses due to COVID19. Last week there was an increase in funding for businesses in lodging, retail, hospitality, arts, and businesses can reapply to obtain more funding. The Legislature will be back in session tomorrow for 4 to 6 weeks to work on budgets that they were not able to close out. These proceedings are available on YouTube (go to the Vermont Legislature website to view). During Pre-COVID times, Ms. Jerome held constituent Happy Hours that will begin again outside from 9AM to 10AM at the Maclure Library in Pittsford on 8/29, Brandon Free Library on 9/12 and Sudbury Town Hall on 9/19. Ms. Jerome is available for any questions or concerns about upcoming legislative activity.

5. Proposed State Dispatch Fees

Dave Atherton advised there has been discussion on this topic for the last few years. The Town received a letter from the State regarding dispatch fees for the towns that they are covering. The cost is based on the number of calls and average cost per call, with Brandon's being about \$46,000 per year. This will become effective in 2022 and phased in over a 4-year plan at 25% the first year, 50% second year, 75% third year and full amount the fourth year and is based on 856 calls per year. Mr. Atherton wanted to bring this to the Board's attention as it will be in the budget for next year. Chris Brickell noted the Town paid for dispatching services years ago at around \$60,000. The Department of Public Safety had agreements with multiple towns and the legislature has talked about charging for fees that they provide. The local Police Department does take calls, but the State Police receive many calls and 911 calls have been on the table for the Legislature with numerous studies. Seth Hopkins stated this topic has been discussed and doing a per call basis seems equitable and phasing in over a four-year period will be good. Doug Bailey stated the Town knew this was going to come and he was pleased that it is this reasonable. Tom Kilpeck noted there are 20 fire departments that are dispatched out of Westminster and there will be a meeting set with the State and Department Fire Chiefs to discuss this subject. Mr. Kilpeck stated the dispatching service has been a free service by the State Police for 26 years since the Town used the Thomas Answering Service. The Town has received a lot of service at no cost. This is 2018 call data and Mr. Kilpeck knows that the fire calls have increased and based on current numbers the Town would be around \$92,000 for the three entities – Police, Fire and Rescue. Mr. Hopkins hoped that Fire and Rescue will be able to work this into their budgets to assure that it is not too disruptive. Mr. Hopkins noted that his Mother was a 911 dispatcher and every town had to fund it themselves and for a town of 3000 where he lived in Massachusetts the dispatch budget was \$290,000. Mr. Hopkins noted that doing this in a collaborative way with other towns using the Police Service, even at \$90,000, would be a good value.

5a. BRAVO Update

Tim Guiles reported BRAVO, a restorative justice program in Town, has been quite busy the last 6 months. Part of the process is trying to figure out how to restore harm done that sometimes

involves community service and it has been challenging to find volunteer work with COVID. There have been some successes with the Senior Center and Neshobe School allowing individuals to work in those areas. Mr. Guiles questioned whether they could be town work done, such as creative ways for someone to work with the Grounds Department. Dave Atherton stated the Town has participated in these efforts in the past through the Rec Department, as it creates a problem for the DPW due to equipment use. Mr. Atherton and Mr. Moore will discuss whether the Rec Department can assist in this effort. Mr. Guiles requested anyone who had suggestions for community service to contact him. Chris Brickell suggested the Downtown Brandon Alliance could possibly offer some community service suggestions.

5b. Library Grant Issue

Dave Atherton advised the Brandon Free Library did not receive the grant that they had applied for and they intend to reapply for the grant that would be for the same project and would need the same resolution from the Town.

Motion by Tim Guiles/Tracy Wyman to sign a resolution for the grant application on behalf of the Brandon Free Library. **The motion passed unanimously.**

5c. In-person Select Board Meeting Discussion

Tim Guiles questioned what other people thought of resuming in-person Select Board meetings, noting the Italian Program in the upstairs of the town hall allows for social distancing. Doug Bailey concurred and felt the numbers are safe. He thought the upstairs would be a good place to hold the meetings. Seth Hopkins asked if the meetings were to go back to in-person if there could also be a Zoom interface so that people who have been participating from home could attend. Dave Atherton thought that moving forward, the meetings will need to provide a Zoom option. Mr. Atherton expressed concern, noting that VTrans has indicated they are not going back in-person until the end of the year and all other meetings he is attending are not in person. His concern is there cannot be control over the number of people who are walking through the door. Tracy Wyman was content with doing the meetings via Zoom and Brian Coolidge preferred to maintain the Zoom meetings. Chris Brickell stated most of State government is not returning to face to face until after the first of year. If there is a combination of in-person and Zoom, the Town will need to determine how many can meet in the social space and follow a sign-up sheet or a first come first serve, with some people needing to be turned away once capacity is reached. Mr. Wyman stated if it is decided to move to in-person and he is uncomfortable with attending, he hopes that Zoom will be an option. Mr. Atherton stated in the Town Clerk's office, there has to be health screenings and temperature checks of everyone who walks through the door. Mr. Guiles stated the Italian Night sign-in process is fairly efficient. Mr. Hopkins stated when the Board had decided to go to Zoom meetings, it was thought that it would be done until the State of Emergency was over. Mr. Hopkins does not think that Zoom meetings are as efficient and effective, but there are enough public health concerns that he does not think the Board should be on the leading edge of reopening. It was suggested to postpone in-person meetings through September 14th and discuss again at that time.

6. Reconsider policy for Selling a Town Asset

Seth Hopkins suggested this consideration be done in a less formal way, as there are two different policy drafts that he would like to have a discussion on before the motion. He would like to offer both drafters the opportunity to discuss their proposed policy. Tracy Wyman stated Tim Guiles and he worked on the policy and wanted something that is more efficient. The process was to put things out to auction and determine a date for the sale. There would be a bid procedure the day of the sale. Mr. Wyman stated the one that the Town's attorney reviewed also had that possibility in it. Tim Guiles pointed out a few aspects that went into the discussion. The Board is representing the townspeople, and this would assure they are getting the best value out of the process. In a sealed bid process, for instance with the swamp sale, the bid might have been very low, and the Town would not have received the value that was fair. If there is an adjoining property, they might pay more money to get it and the sealed bids fail on both of those instances. The benefit of the auction is one gets the market working and is most fair for the Town and the buyer. He recognizes that it is up to the discretion of the Board to work with the policy or not in the instance of a sale. Mr. Wyman likes the sealed bid process as it is quick and efficient. In the attorney reviewed policy, there is the option to do an auction and not just a sealed bid. He also likes the idea of requiring a minimum bid and only the winning bid would need to put down a deposit.

Dave Atherton advised the last policy the Select Board approved was sent to the Town's attorney and there were some language concerns. Mr. Atherton decided to draft a policy and pulled several policies from other towns regarding the disposition of equipment or property and came up with a policy with definitions of personal and real properties. The Town does get a better value on trade-in for vehicles and equipment. As far as real property, the Town has to follow State statute including the 1061. When selling a swamp lot with the sealed bid process, the Select Board can set a minimum bid, advertise with a deadline, open bids in the town office and discuss the bids at the next Select Board meeting. Auctions concern him as no one is a licensed auctioneer and he does not understand why the highest auction bid is not going to be taken as it defeats the purpose. Lastly, during the last sales transaction, it angered people in Town. If streamlining the policy and adding a sealed bid and information about bids in the 1061 notice, the process could be started when the bids are open. It would be more normal of what people are expecting of the Town when selling property or equipment. Mr. Guiles questioned the language that the attorney had concern over. Mr. Atherton stated it was the way the bids were done, when taking offers and making them public and keeping the offers open until the next meeting could create issues. There was concern the people's bids were made public and the Town ended accepting a bid that was lower than one of the original bids. Mr. Atherton received calls from residents that there is concern with the policy and this raises concerns. Seth Hopkins stated the policy was implemented the way that it called for and there was clearly some discontent from people. Mr. Atherton stated people were irritated about it, and there have been discussions with several people. It is not an effective policy and it should not be difficult for people to bid on properties or equipment. Mr. Atherton stated the attorney added a couple of statutes to the policy draft to cover everything. Mr. Guiles stated if something were to go to auction, there would not be a need for an auctioneer as it could be done by the Town. Mr. Guiles stated there was discussion about the importance of marketing to get people interested. Mr. Atherton advised the intent to sell swamp lots was to get the properties back on the tax roll and the Town has been

successful in doing this and there are only 2 swamp lots left. The Town does not try to actively sell things. Mr. Guiles is interested in an overarching policy that is transparent, expedient and provide value to the Town. Mr. Atherton stated it is important to have the policy approved by the town attorney and having the right language so as to not jeopardize statute and make it easier for the public. This is a public document that will be on the website. Mr. Guiles stated sealed bids are not transparent as the market does not have the ability to see them. Doug Bailey liked both policies and he does not have problem with either, but the Select Board wants to make the process easy and transparent. He liked the fact the Town will list properties or items to sell in the newspaper, accept bids and transact the business right away. He suggested bids be opened at Select Board meetings so the Board can approve the sale. He liked that people have to make their bid the best bid they want in a sealed bid. Mr. Atherton advised there is a pending case in Vermont on a tax sale property that could change everything in what can be asked for a sale price, so there could be more to come. The big debate is should a town sell as they have been to cover their cost for delinquent taxes and associated fees or sell for what it is assessed at. Mr. Atherton stated the biggest issue had been people were not provided ample notice, but if someone comes in with an offer, a formal bid process could be initiated, and a notice would be placed in the paper as a sealed bid. Doug Bailey did not see in either policy that on a real property, the purchaser would pay the attorney fees for the transfer, as had been discussed. Mr. Atherton thought this will change again with the outcome of the pending case in the State. Mr. Hopkins stated this would allow the Town to set a minimum bid amount.

Motion by Brian Coolidge/Seth Hopkins to accept the Selling of Town Assets policy that was drafted by the Town Manager and approved by the Town's Attorney.

Tim Guiles stated as far as process, it is appropriate for the current policy update to be considered and it seems that as a Board, there was a process for Mr. Wyman to review and provide an update. Seth Hopkins stated that was the reason the Board considered both policies prior to a motion.

The motion passed – 3 - yes, 1 – no, and 1 abstention.

Mr. Hopkins thanked everyone who spent the time developing both of the policies and having a policy that will be good for the Town in selling a town asset.

7. Fiscal

- a) *Warrant FY2019/2020– August 23, 2020 - \$1,350.00*
- b) *Warrant FY2020/2021– August 24, 2020 - \$1,321,816.70*
- c) *Route 7 Construction Warrant – August 24, 2020 - \$19,705.63*

Motion by Brian Coolidge/Tracy Wyman to approve the August 23rd FY19/20 warrant in the amount of \$1,350.00, the August 24th FY20/21 warrant in the amount of \$1,321,816.70 and the August 24th Route 7 Construction warrant in the amount of \$19,705.63. **The motion passed unanimously.**

The Select Board recessed at 8:23PM.

The Select Board reconvened at 8:30PM.

Motion by Tracy Wyman/Seth Hopkins to enter into executive session at 8:31PM to discuss the appointment or employment or evaluation of a public officer or employee under the provisions of 1 V.S.A. 313(a)(3). **The motion passed unanimously.**

7. Executive Session

The Board came out of executive session at 8:54PM. There was no action required.

8. Adjournment

Motion by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:54PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary