

## **Brandon Select Board Meeting February 22, 2021**

**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, Brian Coolidge, Doug Bailey, Tracy Wyman

**Others In Attendance:** Dave Atherton, Jack Schneider, Brent Buehler, Allie Breyer, Chris Brickell, Bernie Carr, Stephanie Jerome, Lee Kahrs, Shari Vaccarella, Lindsey Berk, Marielle Blais, Jan Coolidge, Claire Astone, Sue Gage, Mei Mei Brown. Adam Murach, Ralph Ethier, Jon Butterfield

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

### **1. Call to order**

Seth Hopkins read a letter received from President Biden noting that during this week more than 500,000 have died from COVID. This is more than the number of losses from World War 1 and 2, and Vietnam combined. President Biden asked all to honor their memory with a moment of silence. Mr. Hopkins asked for a moment of silence prior to the start of the meeting to remember the loss of 500,000 Americans during the pandemic.

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

Doug Bailey questioned whether the Select Board was going to hold interviews for the Planning Commission appointment, as noted in item 4 of the policy for ratification this evening for filling vacancies. Seth Hopkins stated there is an executive session scheduled to review the letters this evening but noted that all interested parties were not present to be able to hold an interview this evening. Tracy Wyman stated the Board was going to do interviews for the ACO position but would not do interviews for the Planning Commission. Mr. Bailey suggested for item 9a to discuss whether or not to interview rather than making the appointment.

### **2. Approval of Minutes**

**a) Select Board Meeting – February 8, 2021**

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

### **3. Town Manager's Report**

Dave Atherton provided a report for the week of February 8<sup>th</sup> and February 15<sup>th</sup>, 2021.

. The Park Street project is officially closed out. Markowski will be back when weather permits to repave the intersection at the east and install a riser on one of the sewer manholes.

. Mr. Atherton met with the VLCT/PACIF representative, Wade Masure, to do an annual overview and discuss future insurance needs. Wade provided history of the WC mod rate: 2015-1.54%, 2016-1.89%, 2017-1.52%, 2018-1.43%, 2019-.98%, 2021-.79%. We have cut our mod rate in half since 2015 by educating employees on safety and well-being.

. The Public Works Department has been working around the clock plowing and removing snow. The last big storm produced a good amount of rain that hardened the snow and made it difficult to move. The sidewalk plow has been out every day plowing and treating the sidewalks. Sometimes mailboxes are damaged by plowing and sometimes snow will fall in a driveway. This is not intentional and Public Works is doing the best they can.

#### ***Rec News:***

. The skating rink at Neshobe Golf Club is open. It has been used quite a bit and people are excited about it.

. Baseball planning is starting. County Meeting will be held the first week in March.

Seth Hopkins commended the Town Manager for his efforts regarding the Workers' Comp insurance as this saves the Town thousands of dollars and is based on improvement to workers' safety. Mr. Hopkins requested a status on the union contracts. Dave Atherton reported he has had a discussion with the ACME representative and there is not much change this year to that contract. The clothing company supplier for the wastewater and highway departments was eliminated as they were not providing what was wanted and some language has also been tidied up. With regard to the PD1 union, Mr. Atherton has not heard much from their representative and he will try to get something started with the hopes of working on longevity and retention of police officers. Mr. Hopkins noted there was a letter received from a resident near Estabrook Park and questioned if there had been a response to this letter. Mr. Atherton advised that Bill Moore is working on the response that will be sent soon.

### **4. Public Comment and Participation**

Bill Moore read the following statement: "Sometimes this job makes me cry. My friend and colleague, Dustin Hunt, reached out as our community has been reeling from the loss of a dear friend, volunteer, parent and B-rec coach, Kristle Wheeler. He generously offered to carve out some gym time so that our 5th and 6th graders could have a basketball experience during this spring. This amazing gesture is an example of how we take care of each other and honor the kind of community that people like Kristle help to build."

Claire Astone wished to thank the Public Works department for getting the sidewalks done. Sue Gage expressed concern about the crosswalk from the bank to the Congregational Church, particularly for traffic traveling north and asked if there is something that can be done with that crosswalk. Dave Atherton has had discussion with VTrans concerning this crosswalk and the one at the post office. Research is being done to get some solar crosswalk lights for those areas.

Seth Hopkins stated Doug Bailey is the longest serving member of the Select Board and he wished to acknowledge Mr. Bailey's service. r. Hopkins noted Mr. Bailey had chaired the Board and it was a pleasure to learn how to be a board chair from him and it has been a pleasure to serve with him over the last 6 years.

Stephanie Jerome thanked Mr. Bailey for his years of service and all he has put into the Town. Ms. Jerome wanted to encourage small businesses to applying for the Payroll Protection Program though the Small Business Program. She noted businesses could apply for round two, even if they received funds in the first round. The House will be voting on a COVID Relief Bill this week. There is \$10 million going out to small businesses who have not received any state or federal assistance, in particular the newer businesses that were not able to apply. The grants will be available exclusively to those businesses during the first 30 days. There will be \$3 million in outdoor recreation grants available and it is hoped there will be some programs that Brandon can apply for. There will be \$1 million for broadband to get to homes that still need broadband, as well as funds for food banks and working lands. Ms. Jerome is pleased that the House is getting the money out to Vermonters at this time. Bernie Carr reported Bill Moore and he have been working on this topic and was included in the Chamber newsletter. Mr. Carr is also checking with businesses on this subject. Mr. Carr noted he went through the process and he received money the first time and it was easier the second time. Ms. Jerome stated the Agency of Commerce and Community Development are really concerned with those businesses that started just before COVID.

Brent Buehler thanked Doug Bailey for his service on the Board and noted one strength was his strong financial background and that will be missed. Mr. Buehler noted concern with the Town Report that the budget was eliminated to enable people to compare performance by department, and also that the salaries were not included. Seth Hopkins stated he was on the working group tasked with reviewing the Town Report and all three items that Mr. Buehler questioned were thoughtfully discussed. It was decided to remove the column in question as Town Manager and Department Heads are involved in a granular level in terms of managing the budget and when the Select Board gets to the budget writing with the Budget Committee, they are still involved at a granular level, but there is less detail. It was hoped to present this information to be as helpful to as many people as possible by including the information with each department. Mr. Hopkins suggested if he were to be a part of this discussion next yet, he could see it being useful to include the previous years' budget. In terms of breaking up the budget, it can be voted to set a tax rate or a bottom line for spending, which is what Brandon does. Once adopted, the Town Manager has discretion to adjust as needed throughout the year. In the past, there were requests for narratives around the budget, and one way to accomplish this is to have each department's budget accompany

the report. The intention was to get the spending plans near each department to integrate the financial plans with the departments' reports. With regard to salaries, due to living in an age of identity theft, it was decided to be proactive in protecting our employees as the Board is pleased with all employee's dedication and they do not want to put them at risk in disclosing their name next to their salaries. The State of Vermont recommended years ago to not report births, deaths, and marriages also due to this reason. It is all still public information and taxpayers can write to the Town to request the information. Mr. Buehler noted he finds the budget column on Page 9 helpful as there has to be accountability by department but understands the Town Manager has the authority to move money around. As far as employees' salaries, he understands the privacy issue but there should be contact information in the front of the book for more information that people may want. He also did not see any information about the grievance process. Mr. Hopkins suggested Mr. Buehler contact the Assessor's Office for this information and noted their contact information is in the Town Report.

Jan Coolidge thought that Seth Clifford was deserving of the Town Report dedication but indicated that Richard Baker was very accomplished and was surprised that this year's report was not dedicated to Mr. Baker as he did a lot for the Town and wondered how the Board determines the dedication. Seth Hopkins stated he appreciates Mr. Baker's service to Brandon and this was based on the framework done over the last six years in choosing a recipient who has given to Brandon and is still with us. The inside back cover is where the memorials are placed. It is thought that this is a healthy practice to recognize the contributions of someone that people can thank. Ms. Coolidge stated it is disappointing that it was not done previously as Mr. Baker did do a lot for the Town. Doug Bailey stated there is no question that Mr. Baker did a lot and this practice was started the first year he was board chair in trying to pick a single dedication and unfortunately some people are taken before their time. Mr. Bailey agreed that Mr. Baker would have been a deserving person.

Lindsey Berk advised that she did not receive a copy of the Town Report and asked who to contact to obtain a copy. Seth Hopkins advised people can contact the Town Clerk or stop by the Town Office to obtain a copy and be added to the list. Sue Gage stated it is the intent to provide one copy per household, but it is a difficult mailing list to manage. The information is also on the website. Following is the link for the Town Report:

[https://www.townofbrandon.com/wp-content/uploads/2021/02/Town\\_Brandon.FINAL-TOWN-REPORT.pdf](https://www.townofbrandon.com/wp-content/uploads/2021/02/Town_Brandon.FINAL-TOWN-REPORT.pdf)

Sue Gage advised Town Meeting is a week from tonight and voting will be the following day, with the polling place to be the American Legion from 10AM to 7PM. Ballots can be dropped off at the polling location or the Town Office or they can be mailed back for people who do not wish to vote in person. Seth Hopkins thanked all who are helping to run the election.

## **5. Town Report and Town Meeting Discussion**

Seth Hopkins advised that Bill Moore - Town Moderator, Tim Guiles and he will be doing a zoom webinar practice run on Friday. Bill Moore noted that he has also asked Molly Kennedy to

assist with the webinar as an administrative person. The information regarding Town Meeting and the annual meetings for the Fire District and School District will be on FPF and the Town's webpage. No business will be transacted during Town Meeting with all business to be transacted by Australian ballot.

## **6. Sewage Treatment Bond Upgrades**

Seth Hopkins stated there was a question about the sewage treatment plan in light of the bond concerning the vulnerability of the plant. Dave Atherton advised the sewer plant was built in 1960 and everything is done offline. The upgrades are mechanical and it is not foreseen having the wastewater treatment plant online. The plant uses electric motors and a lot is still done by hand. Mr. Atherton noted the site is not a high traffic area and it is old and very mechanical, with only a computer used to send emails. Brent Buehler appreciated the answer that the plant is not vulnerable to a cyber-attack. Mr. Atherton noted the biggest concern is flooding as it sits on a low spot in town, but there is nothing that can be done about that issue.

## **7. Noise Ordinance Discussion**

Seth Hopkins stated there was a one page document in the packet from the Board Chair for next steps. The Board has received a number of contributions to this topic that have been acknowledged and Mr. Hopkins appreciates those comments. Mr. Hopkins suggested a Board discussion on the proposed seven steps to hopefully become active in listening and deliberative in how the Board proceeds in creating a noise ordinance. Tracy Wyman agreed with the recommendation, however, noted concern that there are many people who would not do a zoom meeting and strongly suggested it is something that needs to be an in-person discussion. Mr. Hopkins suggested there could be a couple of zoom hearings and solicit comments from those who do not want to do zoom. Bill Moore suggested it could be done in the pavilion at Estabrook or drive-in style where people would stay in their cars. Tim Guiles stated it sounds like the intent of the seven steps is to solicit input from as many people as possible and asked if it would be reasonable for people to reach out to selectmen to have a discussion in a socially distanced manner. Mr. Hopkins stated it is not the purpose to get together like a town meeting, but for people to get their point of view to the Board. Mr. Hopkins worries about being accurate with people's true feelings and noted it was not his preference for being a board member speaking on someone's behalf. Mr. Hopkins suggested asking for information through various communication vehicles like FPF or through a letter or some other in-person format. Mr. Atherton stated he could gather facts and see what the legal obligations are and noted the Town has Select Board meetings twice a month and it would be a good way to have discussions. Mr. Hopkins stated the Board will reorganize on March 8<sup>th</sup> and thought that a couple of hearings could be set after that time. Mr. Wyman stated weather-permitting, there could be outside meetings and noted people have talked to him about this topic and the issue of not doing zoom was brought to his attention. Doug Bailey suggested starting with zoom meetings and anyone that wants to write in could do so. He stated perhaps by April, COVID might be to a point that the town hall could be used. Mr. Bailey did not think this should be rushed and it would be smart to get it right the first time and it needs to have support of the citizens and the Police Department who will be enforcing it. Mr. Hopkins suggested leaving this item for the reorganized board to set the zoom hearings and determine other methods for community input. Mr. Hopkins noted

Item 3 talks about anonymous input and he was concerned about the integrity of the process. Mr. Hopkins advised that he responded to an anonymous person through a third party and did ultimately have a discussion with person and suggested anonymity could not be entertained but confidentiality could be done. If people want to submit their contribution without their name, a Select Board member could verify the information and submit the comments without a name. This was met with approval from the person that he spoke with. Tim Guiles and Tracy Wyman thought this was a good plan for keeping the name confidential as long as it is determined it is a Brandon resident.

**Motion** by Tim Guiles/Tracy Wyman to accept the seven steps for proceeding with the Noise Ordinance. **The motion passed unanimously.**

### **8. Ratification of Policy on Filling Vacancies on Boards & Committees and of Appointed Officers & Delegates**

Seth Hopkins advised this item was held over from the last meeting before adopting.

**Motion** by Doug Bailey/ Tracy Wyman to ratify the policy Filling Vacancies on Boards & Committees and of Appointed Officers & Delegates.

Doug Bailey stated Item 4 of the policy is key and would require the majority of the Board. Mr. Bailey noted if applicants are not interviewed, there may be board members who do not know the people. Case in point, Mr. Bailey stated he has only met one of the three candidates for the Planning Commission seat and he felt it is a disservice to not look at things more thoroughly. Mr. Atherton stated one thing that would be helpful when people send a letter of interest is to have information in the letter of what they have to bring to the position so that the Board can decide. Mr. Atherton noted the Town is in a position where there are a lot of people who want to get involved and he does not think if someone is on the Select Board, they should not be on a Select Board appointed position as the separation of power would be good and there are enough interested parties where that separation could be easily done.

**The motion passed unanimously.**

### **9. Appointments**

Seth Hopkins thanked everyone who has expressed interest in the town's vacancies and the willingness of people to be involved in making the Town the best that we can make it.

#### **a) Planning Commission – Remainder of 3-year Term Ending June 30, 2021**

Seth Hopkins confirmed the Board thought interviews should be held for this vacancy. Mr. Hopkins requested the Town Manager invite the interested parties to meet with the Select Board at their March 8<sup>th</sup> meeting.

#### **b) Development Review Board Alternate – Remainder of 1-year Term Ending June 30, 2021**

**c) Revolving Loan Fund Committee Alternate – Remainder of 1-year Term Ending June 30, 2021**

Seth Hopkins advised there was one person interested in the alternate positions for the DRB and Revolving Loan Fund Committee.

**Motion** by Brian Coolidge/Tim Guiles to appoint Jack Schneider as the Alternate to the DRB and Revolving Loan Fund Committee for the remainder of a 1-year term ending June 30, 2021. **The motion passed unanimously.**

**10. Consider Bergevin Request**

Dave Atherton advised the Town has received a letter from Trevor Bergevin who lives off Long Swamp Road and is trying to find a suitable spot for a mound system. He has determined a location that is a piece of property owned by the Town and is located between two parcels that he owns and is asking the Town if he could obtain an easement to install the mound system. Mr. Atherton questioned whether Mr. Bergevin would be interested in purchasing the landlocked property and he indicated it could be a possibility. Mr. Atherton noted this could be a good way to approach this request due to the Town's property being landlocked between two pieces of his property. Tracy Wyman asked if the Board could wave the purchasing policy process. Sue Gage noted there is somewhat of a rush as the system would need to be built prior to him being able to build. Ms. Gage stated if that piece of land is on the tax roll, the Town could be receiving money. Mr. Atherton stated he could reach out to him and have a contract ready for approval by the next board meeting. Mr. Atherton advised that he has not done any research on the property and it is not known what the value is. Doug Bailey suggested offering the lot to Mr. Bergevin and do a quit claim deed as it would be much better than allowing a mound system to be built on town property.

**Motion** by Doug Bailey/Tim Guiles to not allow an easement.

Mr. Atherton stated they will likely not be doing anything before the beginning of summer. Tim Guiles noted concern about waiving the process and abandoning the purchase policy. Mr. Hopkins did not think this required waiving the policy and stated the Board will entertain an offer and proceed with the policy with the Town Manager advertising the property in the newspaper.

Claire Astone questioned how the value of wet property is determined. Dave Atherton advised swamp or landlock lots are at the lowest value possible. They are not worth anything when they are town-owned as no taxes are being paid on the properties. Tim Guiles stated the last time town-owned property moved was between \$100 and \$200 per acre.

**The motion passed unanimously.**

**11. Fiscal**

**a) Warrant – February 22, 2021 - \$1,207,546.21**

**Motion** by Doug Bailey/Tracy Wyman to approve the February 8<sup>th</sup> warrant in the amount of \$1,207,546.21. **The motion passed unanimously.**

Doug Bailey questioned the invoices for Dubois and King for site work and questioned if the Park and Ride is the lot behind the Mobil Station. Dave Atherton reported the Park and Ride location is behind the Mobil station and advised this will mostly be funded through grants.

The Board recessed at 8:22PM.

The Board reconvened at 8:24PM.

Bill Moore provided the zoom link for the Town Meeting: <https://zoom.us/j/84937461336>

Doug Bailey thanked all who provided comments and also wished those well who are running in the upcoming election.

**Motion** by Tracy Wyman/Brian Coolidge to enter into executive session at 8:25PM to discuss the appointment or employment or evaluation of a public officer or employee under the provisions of 1 V.S.A. Section 313(a)(3), with the session to include the Town Manager, Claire Astone, Marielle Blais and Police Chief Chris Brickell. **The motion passed unanimously.**

## **11. Executive Session**

The Board came out of Executive session at 9:29PM.

There were no actions required.

## **12. Adjournment**

**Motion** by Doug Bailey/Brian Coolidge to adjourn the Select Board meeting at 9:29PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary