

**Brandon Select Board Meeting  
March 22, 2021**

**NOTE: These are unapproved minutes, subject to amendment and/or approval at the subsequent board meeting.**

**All in Attendance via Zoom.**

**Board Members In Attendance:** Brian Coolidge, Seth Hopkins, Tim Guiles, Michael Markowski, Tracy Wyman

**Others In Attendance:** Dave Atherton, Barry Varian, Allie Breyer, Brent Buehler, Lee Kahrs, Mary Lou Webster, Claire Astone, Susan Gage, Chris Brickell, Tom Kilpeck, Jessica Doos, Betsy Quigley, Jan Coolidge, Michelle and Tim Kingston, Rick Oberkirsch, Butch Shaw, Mei Mei Brown, Stephanie Jerome, Jan Coolidge, Ralph Ethier, Peter Werner, Bernie Carr

**1. Call to order**

The meeting was called to order by Seth Hopkins - Chair at 7:01PM.

*a) Agenda Adoption*

**Motion** by Michael Markowski/Tim Guiles to adopt the agenda, as amended. **The motion passed unanimously.**

Addition of Item 8(a) – Bid Results for Town Owned Lot 9-1-23

**2. Approval of Minutes**

*a) Select Board Minutes – March 8, 2021*

**Motion** by Tracy Wyman/Brian Coolidge to approve the minutes of the March 8, 2021 Select Board Meeting. **The motion passed unanimously.**

**3. Town Manager’s Report**

Dave Atherton provided a report for the weeks of March 8<sup>th</sup> and March 15<sup>th</sup>, 2021:

. The Route 7 Segment 6 project was the Grand Award Winner of the Engineering Excellence Award from the American Council of Engineering Companies of Vermont.

. Mr. Atherton attended the 3/16/21 Rutland Regional Planning Commission meeting. There was discussion on proposed solar array projects in a few Rutland County towns. Also, Senator Terenzini was present as a guest speaker. He provided the attendees with updates on what he has

been doing in Montpelier. The meetings weigh in regional topics and there have been a lot of solar projects discussed.

. The 2020 Town Audit has been completed. Copies of audit are in the Select Board packet. Can be discussed at the next Board meeting.

. Bill Moore has drafted a letter to the citizen that is concerned about activities at Estabrook Park. (Copy of letter included in Board packet.)

. Mr. Atherton has been working with A & E and the USDA on meeting all of the application requirements for the possibility of funding for the WWTP upgrades.

. Public Works has been busy adding gravel to wet areas on our dirt roads. The dirt roads are in surprisingly good condition for this time of year.

. Mr. Atherton met with Steffanie Bourque at the RRPC to discuss our requirements for the Municipal Roads general permit. We need to have 15% of our road erosion issues corrected by December 2022. Our road erosion inventory was completed in 2017 and we will be using this as our checklist in getting these projects completed. We have done quite a few of them already and the percentage will be going down for 2022. We can get grant funding for these projects.

### **Rec Department News:**

Warm weather means the end of our ice skating rink. Big thanks go out to Jon Milne and Matt Wilson of the Neshobe Golf Course, John Kerr, Lance Laraway of Silver Maple Construction, Tanner Romano, Cole Mason and Josh Provencher of Naylor and Breen Builders, Mike Jensen, Ray Counter, Tom Kilpeck, Jeff Machain & Josh Preeceau, and the many folks who took the time to shovel when we got snow. We are pursuing a grant to make the experience even better for next winter.

. The Rec will be offering part day summer camps this summer. Stay tuned.

. Looking for folks that may be interested in coaching middle school lacrosse for the Rec Department.

. Get It and Go continues to distribute meals on Mondays thanks to community donations. Last Monday they distributed 280 meals. Thanks for all the people who have volunteered for this effort.

Seth Hopkins asked whether the town auditors will be making a presentation. Dave Atherton stated they usually do it annually and he can see if they could come to the next meeting. Mr. Hopkins suggested possibly doing it before the Board meeting at 6:30PM as they become quite detailed. Mr. Atherton said they do not have much detail as the audits have been good. Sue Gage stated they would be happy to do that and thought it fine to have them come at 6:30PM and it could be warned for any public that would like to hear about it. Mr. Hopkins requested the audit review be warned for 6:30PM prior to the next Select Board meeting. Mr. Hopkins requested more information about the award from the American Council of Engineering Companies of Vermont.

Mr. Atherton reported a letter was received from the organization indicating the Town was the award winner that was selected for the engineering design of the project at their annual event in February.

Mary Lou Webster stated she attended the noise ordinance hearing on Saturday but her letter was not read during that meeting and requested to read her letter into the minutes. Seth Hopkin stated during the hearing, all written testimony was made part of the record that is being compiled by the recording secretary into one encompassing document.

Ms. Webster read the following letter that was sent to the Select Board dated February 13<sup>th</sup>:

*"This letter addresses concerns I have over the mis-management of Estabrook Field and the upcoming debate over a noise ordinance for Brandon. For select persons who are newer residents of Brandon, I will start with a brief history of Estabrook Field. This field is approximately twelve acres acquired from the State of Vermont, and originally part of the old Brandon Training School. With grant money from the Land and Water Conservation Fund, through the Vermont Forest, Parks and Recreation Department, the town began development of Estabrook Field in the summer of 1983. It was built with grant money to develop a recreational field for athletic sports. It was named after, and dedicated to the memory of a local physician, Dr. Seeley Estabrook because of his great interest in sports. Until recently, it has always been used for this purpose, and has always been confined to daytime use, which has not presented any conflicts with the surrounding residential neighborhood.*

*During this last year, the town began a series of new activities, primarily at night, which violated a series of town regulations. Since the field's inception, there has always been a posted sign alongside the driveway entrance stating the field hours as "7 am until Dusk." This sign has been moved to the field's northern boundary into the brush line where it is difficult to see. I assume that this was done to minimize its message in light of the nighttime activity last summer. Some of these functions were also of a commercial nature and required entrance fees or were profit-making ventures. The town has a sign posted along Route 7 at the field's entrance that clearly states, "Prohibited: overnight camping, abandoned vehicles, commercial enterprises." Apparently, the town feels that citizens should obey all town rules and regulations, but they are free to ignore them when it suits them. In past years, the town has also placed an extremely large, unsightly sign (small billboard) across the road from our home that when I measured its placement, was well within the state highway right-of-way and not on town road right-of-way or property. I could also find no permit on file for this sign at the town office. Again, the town ignored regulations to suit its own purposes.*

*Now the town of Brandon is going to debate the need for a noise ordinance, and that brings the issue of night activity in Estabrook Field into the discussion. This marks a substantial change in use of the field, and not one in harmony with a residential neighborhood. The noise down there last summer was highly disruptive. I followed this issue in the Brandon Reporter's Police Log and noted that I was not the only person who called in noise complaints to our police department. It was so bad during those opera nights, that even with all the windows and doors closed on a warm night, we still could not sleep.*

*Operas, carnivals, and rock concerts are not compatible with, and do not belong in peoples' neighborhoods. The Town of Brandon's current board seems to be resisting the need for a noise ordinance. Is this because they do not wish to be placed in the embarrassing position of having to conform to it themselves?*

*I have only good things to say about our police department. Whenever I have seen vehicles down in the field after dark, they have always responded to my calls if they were available. Ninety-nine percent of the time, they have been there, and I thank them for their service. They work diligently to keep our neighborhoods safe. But they can only enforce the law and ordinances, not create them. A noise ordinance is a tool very sorely needed, both to maintain the peace in my neighborhood, but also with the many other noise issues that have arisen around our community. I am in firm agreement with the need for a noise ordinance for Brandon. I also want to see the posted hours sign returned to its original location along the inner driveway, and an end to nighttime use of Estabrook Field. Regardless of unusual circumstances, it is no justification for our town to ignore their own policies and laws."*

Ms. Webster noted there was one time that she called in to ask to turn it down and the police dispatcher would not put her call through to the Police.

Bill Moore read the following letter in response to Ms. Webster's concerns:

*"I have received the letter submitted by Ms. Webster regarding the increased use at Estabrook park and her perception that the activities are in violation of the intended use of the park.*

*While I do not share the long history of the life in Brandon that Ms. Webster does, I have spent much time in my pre-rec director days as someone who enjoyed recreational opportunities at Estabrook park. The prescribed use of the park by the people who worked so very hard to obtain the LWC grant program was reflective of the way in which people recreated in 1983. We spent more time out of doors, less time engaged in the "electronic arts" for lack of a better word. Estabrook is still a wonderful resource for our athletic pursuits. Since taking over as rec director in 2012, I have made it a mission for folks to see Estabrook for the underused recreational asset that it is.*

*Prior to my tenure, the majority of the field space was a hayfield. The rest of the property consisted of a tennis court, pavilion and softball diamond that were primarily used for spring and early events (varsity tennis, tennis lessons, girls' softball, T-ball; adult softball was moved out of the space due to neighborhood complaints about the potential consumption of alcohol on the grounds.)*

*Right away, we moved an extra set of soccer goals and used the space for youth soccer. That winter, we moved the ice-skating rink from the wastewater treatment plant to the field.*

*Estabrook continued to see increased use over the next few years with the moving of some adult activities like a weekly cornhole league, to the field along with some special events, some of which became recurring including: A teen rock festival, Estabrook HarvestFest,*

*Spooksville and the Brandon Kick-Off to Summer Carnival. There will be increased use of the space with plans for the creation of a walking path. A bicycle pump track and movement and reconstruction of the tennis court.*

*During the COVID-19 stained year of 2020, we had to cancel the 4-day Carnival, added a Drive-in Movie Screen, and hosted, for the first time, a socially distanced opera. On the Fridays in September, we hosted a concert from 6:30 - 7:45 pm before the drive-in movie would start. The sound for the movies was broadcast via the car radios.*

*Our plans for 2021 and beyond include a resumption of the drive-in, the Brandon Carnival, and a partnership with Barn Opera. Besides those three exceptions, the rest of our events that produce potential disruptive neighborhood sound end by 8pm.*

*Upon receipt of the letter that Ms. Webster submitted to the board, we began to investigate the history of the Estabrook park. When the park was established, there were no restrictive covenants, save the requirement that it be used for recreational purposes. In 1994 the select board at the time (by a 3-2 vote), passed a resolution limiting the time from "7am - Dusk" and referenced the lack of lighting in the limited verbiage of the passed resolution.*

*My intention as recreation director has been and will always be to increase recreational opportunities for all of Brandon's residents. The popularity of our family friendly events aside, if Ms. Webster had expressed any concerns prior to her letter, they could have been addressed. We, as a small community, enjoy the unique ability to pick-up the phone and call on our neighbors when conflict has arisen. The idea that there has been some sort of nefarious plot to deceive or flaunt the rules for commercial or personal benefit is simply untrue. After what must have been a complaint, our temporary banners that had we used at the park were addressed with guidance from the zoning administrator (we moved the wagon, reduced the total square footage and the duration of the display of the temporary, event specific banners) The discovery of the 1994 resolution was surprising, but again I stress, not an intentional ignoring of the rules.*

*Going forward I would ask that the select board consider the following actions:*

***Rescind the 1994 resolution*** - *This was seemingly controversial in nature at the time (2 of the select board refused to sign) and the lighting issues that the resolution references have been remedied by the installation of new lights and temporary lights on the evenings for which they are needed.*

***Encourage Ms. Webster to reach out when she has any issues.*** - *I have successfully worked with the other Estabrook neighbors directly adjacent the park on the eastern border. I am confident that I can work with Ms. Webster to provide advance notice of our evening event plan and work to mitigate any extraneous noise at her property. For example, a potentially problematic event (2020 was the inaugural year), the Barn Opera production, can be reworked to allow for less sound, moved to a location nearer the middle of the property and to be completed at an earlier hour. There are steps that can be taken once we are aware of the issues. Communication is the key to avoiding any potential misunderstandings."*

Mr. Moore noted last year those were the only events that the Town had. His door is always open and Ms. Webster can call him at any time and address any issues.

Seth Hopkins stated the Select Board does not do the day to day operations of the Town, as there is a Town Manager and other professional staff. He asked Ms. Webster if Mr. Moore's response was sufficient or if she would like to have a meeting with Mr. Moore and Mr. Atherton. The Select Board would prefer that Ms. Webster discuss this with Mr. Atherton and Mr. Moore as the Board does not want to micromanage. Ms. Webster knows the Select Board is responsible for determining policy and this is a significant change in policy and is not acceptable. Tim Guiles stated with Mr. Moore requesting a rescission of the 1994 resolution, the Board typically warns these types of changes for discussion at the next meeting. Mr. Hopkins stated this is in keeping with how the Board operates and appreciates Ms. Webster's concerns and Mr. Moore's response, but the Board would not weigh in and rescind a 26-year-old resolution without further consideration and discussion.

Dave Atherton stated the 1994 resolution was brought and read the following from the resolution:

*“Whereas, Estabrook Field is currently posted to close at 10p.m, which is well after dark during all seasons of the year, and*

*Whereas, although there are plans to install security lights at the park in the near future, there are no lights nor plans to install lights for athletic events or other park activities, and*

*Whereas, there are no authorized park activities that can take place after dark, and”*

Mr. Atherton stated because there were no lights brought in, we have closed things down around 10PM and have to get people out of there. They have been very accommodating with safety and planning to assure people leave in an orderly fashion. Mr. Hopkins thanked the Town's staff for looking up the resolution and minutes for the area. At the next meeting, the Board will consider a policy on the use of Estabrook Park and requested it be added to the agenda. Mr. Hopkins stated if Ms. Webster has any suggestions for incorporation in the policy to send them to the Town Manager or the Board for the re-examination of the uses of Estabrook field.

Brent Buehler asked to include the 1994 resolution and the minutes that Mr. Hopkins referred to. Ms. Webster noted she was aware of the 1994 notice that they put out and a lot was about the drinking during the softball league. She stated the Select Board needs to meet with the Police Chief to discuss the hours of operation.

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

Tim Guiles reported he has signed up for a Tree Warden School. One of the first class topics was a recent change that requires Select Boards certify a tree warden. The Board needs to do that and he hopes to bring an update to a future meeting about tree warden activities. Dave Atherton reported he received the email from Mr. Guiles and has completed the certification on the State's website. Mr. Atherton stated this was certification that the Town has a tree warden selected and provided

contact information. Seth Hopkins thanked Mr. Guiles for participating in the training and also thanked Wayne Kingsley as the tree warden. Tracy Wyman reported Mr. Kingsley is also taking that course.

Allie Breyer stated in her review of Town items, she asked if there is a conflict of interest policy or a third party for contracts to be sure there is no conflict of interest. She knows that Tracy Wyman runs the transfer station and logs on Town property and Markowski's do a lot of work for the Town. Seth Hopkins stated the Select Board would be covered under the general ordinance and there are conflict of interest and ethical policies. This is a VLCT model policy that talks about a real conflict, conflict that is indirect, and apparent conflict. One reason the VLCT model is useful is they recognize that living in a small community it is entirely possible to be more active and more community minded citizens will be engaged in enterprises and public service. There may be some instances to consider and it lays out a procedure for the person and the Select Board to follow. Mr. Hopkins was not aware of a neutral 3<sup>rd</sup> party who has been asked to weigh in on a potential conflict of interest. A Board member can recuse themselves on voting for items they may think is a conflict of interest. Dave Atherton advised when the Town works with someone like Markowski, they have to follow state and federal procurement policies so it is based on a sealed bid policy. There are engineers that read and approve the bid documents, as well as VTrans. As far as the transfer station, the Town no longer has control over the transfer station so there is no swapping of money other than a rental situation on the land. The people that are running the transfer station now are independent of the Town and are not working for the Town. Mr. Atherton advised that he could provide the procurement policy to Ms. Breyer. Ms. Breyer noted Mr. Wyman's family does a great job and she just wanted to check to assure there are policies in place with regard to this subject.

Stephanie Jerome reported there is another round of grants that is open for small businesses and small proprietors and encouraged businesses to apply for them. There is another round of grants that will be opening to newer businesses that had started in 2019 and 2020. In order to apply, Ms. Jerome suggested the businesses get their taxes done now and apply for the PPE grants. As soon as the bill is passed and the rules are set, those businesses who had been left out during the last round can apply. Ms. Jerome stated this week there is a Broadband bill that will be discussed. Ms. Jerome stated there have also been some goods bills in the legislature to help schools.

Bernie Carr reported he had a Zoom meeting with a federal chamber director who stressed there is significant restaurant help forthcoming with the State being provided \$1 billion in COVID money. Businesses can show their 2019 income to compare it to 2020 and they will be provided a grant for the difference. As the information is provided, Mr. Carr will provide the information in a newsletter that will be a big help for businesses going into the summer.

## **5. Adoption of Local Emergency Management Plan**

Dave Atherton stated this is the annual update to the local management plan. It is based on a lot of forms requested from Hazard Mitigation and this is his 6<sup>th</sup> year of doing this. There were a couple of forms changed and like last year, he can place it in the conference room at the Town Office for anyone who would like to come and review it.

**Motion** by Tracy Wyman/Michael Markowski to adopt the local Emergency Management Plan. **The motion passed unanimously.**

## **6. Approval of RRPC Emergency Mutual Aid Agreement**

Dave Atherton reported this agreement was approved last year in the Emergency Management Plan and there is not much change this year. The RRPC is looking for an annual renewal.

**Motion** by Michael Markowski/Tracy Wyman to approve the RRPC Emergency Mutual Aid Agreement. **The motion passed unanimously.**

Dave Atherton advised the Town has a cruiser on loan to Pittsford due to damage to their police cruiser from a windstorm.

## **7. Consider Policy to Avoid Real or Apparent Conflicts of Interest in Board Appointments**

Seth Hopkins reported this policy was introduced at a previous meeting and indicates someone serving on the Select Board cannot serve on another Select Board appointed board. If someone is on an appointed Board, they would be required to quit the board if then appointed to the Select Board. There can also not be two members from the same household serving on the same board. Tracy Wyman suggested there are a few boards such as the BLSG, Regional Transportation and Rutland County Solid Waste where a Select Board member should be able to serve on. Mr. Wyman agreed that Select Board members should not also serve on the DRB or Planning Commission. Tim Guiles suggested the Select Board could be given the flexibility to make appointments apart from these guidelines when necessary. Mr. Hopkins stated the Select Board can waive a policy when it is not appropriate at times. Dave Atherton stated Mr. Wyman made a good point as some positions are town representatives to larger regional groups. Mr. Atherton advised that many select board members sit on these boards and it would be nice to have someone on the Regional Planning Commission who serves on the Town's Planning Commission. Sue Gage suggested boards with a regional context could be treated differently. Mr. Hopkins noted there is Board consensus to have a policy of this type that is inwardly directed to Brandon boards, but not outward boards. Mr. Hopkins advised that whatever is done, it will exceed the requirements from the 2019 policy adopted and the requirements of Vermont state law.

Sue Gage stated the BLSG is a little different as there is financial funding and maybe that board does not fall under the regional context. Dave Atherton stated the Town also funds the Regional Planning Commission too and it might need to be a position by position consideration because of these boards. Mr. Hopkins would like to categorize the two possible types of boards as it would be a clean way to treat the appointments but appreciated the points about the BLSG assessment. Mr. Guiles thought the Board should be aware of the conflicts when doing appointments as this is a small enough community but the Town does not have a lot of people to serve. Tracy Wyman suggested the document could be worked on as he did not think it needed to be rushed.

**Motion** by Michael Markowski/Brian Coolidge to table the policy and come up with ideas for discussion at the next regular meeting.



Dave Atherton stated the one that is written does indicate the town boards, not regional boards.

Michael Markowski/Brian Coolidge withdrew their motion.

Seth Hopkins asked if Item 2 is to be deleted or adjust it in some way. Tim Guiles stated the BLSG is another item. Sue Gage advised the Town pays the BLSG \$40,000 and her concern is the financial piece as a conflict. Mr. Hopkins asked what the conflict would be as he does not see benefit to a Select Board member. Dave Atherton stated this is still a regional board and one cannot negotiate what the fee is for the Town and we pay what they invoice for. It was the consensus of the Board to retain Items 1, 3 and 4 and remove Item 2. Mr. Hopkins asked if the Board would like another item to indicate the Select Board can make an appointment as they see fit and it was the consensus of the Board to add the item. The Board will review the document and vote at the next meeting.

### **8. Appointment of Animal Control Officer**

Dave Atherton reported the position has been posted for interest and Tim Kingston was appointed as the interim ACO. No one else has come forward and in speaking with Mr. Kingston, he would like to become the post-interim ACO.

Tim Kingston reported he has had four different animal related calls: 1) a loose dogs on Route 73, 2) a dog bite that Tom Kilpeck responded to because it became a health officer concern, 3) a cat found in Forestbrook from a person who was allergic to cats (Mr. Kingston kept the cat at his house overnight and contacted Sue Gage to post and Mei Mei Brown assisted with placing the cat with the Rutland County Humane Society) and 4) another dog on Route 73. Mr. Kinston has purchased an animal control hold that is a slip type noose for handling dogs that become aggressive. The Town needs to look at having a large enough portable kennel for taking a dog out of a situation. Mr. Kingston appreciates the opportunity for the position. He has been in Town have many years and has been farming and taking care of animals for many years. Tim Guiles wanted to be sure that Mr. Kingston has the right tools and training and asked if there is anything the Select Board can do to support him. Mr. Kingston has done some internet training and has looked at some states that have animal control departments for additional training and will follow-up on the training. Mr. Guiles asked if he is ready to step in when required to do humane duties. Mr. Kingston stated that it is mainly dogs and cats and should there be a need for a larger type of animal, he has been around horses and livestock if they need assistance. Mr. Guiles wanted to be sure that Mr. Kingston is comfortable with the laws and how to enforce them. Mr. Kingston advised he has the handbook and has gone through the State's website and knows what animal neglect and abuse is and will have a meeting to go over the finer points with the Town. Seth Hopkins stated House Bill 421 is about proposed mandatory training for humane officers and thought it is something to look into. Dave Atherton advised it is currently a bill in the legislature. Mr. Hopkins asked if the ACO information provides Mr. Kingston the authority to act appropriately. Mr. Kingston stated the document was well written but is primarily aimed at dogs. Mr. Hopkins advised the intent of the Board is that domestic pets fall under the ACO's control.

**Motion** by Tracy Wyman/Michael Markowski to appoint Tim Kingston as the Animal Control Officer. **The motion passed unanimously.**

Mr. Hopkins suggested Mr. Kingston keep in contact with Mr. Atherton and advise the Board of any training or equipment that is needed to be successful in the program.

***(a) Bid Results for Town Owned Lot 9-1-23***

Dave Atherton stated this was the swamp lot that was put out to bid after Trevor Bergeron made a request for an easement on the property. Mr. Atherton reported only one bid of \$300 was received from Mr. Bergeron. Seth Hopkins advised there was a request for an easement to build a leech field, however, the Select Board did not want to provide an easement and suggested he purchase the Town owned lot that lies between two parcels owned by the requester. The lot is landlocked and there is no road frontage. Tracy Wyman stated the majority of the lot is swamp land.

**Motion** by Tracy Wyman/Brian Coolidge to accept the bid received for the lot and authorize the Town Manager to begin the 1061 process.

Tim Guiles stated \$300 for 26 acres is a small amount and he is in favor of getting it on the tax roll but thought it unfortunate the per acre value is so low. Dave Atherton stated there was one bid and the fair market value is zero if no one wants it. Mr. Guiles stated it might be good to put a minimum bid on future requests. Mr. Atherton advised the Select Board had set a minimum bid value of \$100. Tracy Wyman stated it will also be an asset to the Town in having a building added to the tax roll because of the sale. Sue Gage wrote: *“We have had a number of folks call but quickly lost interest when they found it was landlocked.”*

**The motion passed unanimously.**

**9. Fiscal**

***a) Consider Purchase Order #52207 to Earle’s Truck Repair for Truck #6 Repairs - \$20,727.36***

**Motion** by Tracy Wyman /Michael Markowski to approve the purchase order #52207 in the amount of \$20,727.36.

Tracy Wyman has looked at different trucks and this truck is worth around \$35,000 repaired and it needs to be fixed. Michael Markowski asked if the work has been done or if this is an estimate. He noted in looking through the list of repairs, it is the entire top of the engine and if not repaired it would not be worth anything to get rid of. Mr. Wyman stated it will be something that needs to be used and not traded in and the downfall is to replace it would take 18 months after ordering. Mr. Wyman called Clarke’s Truck Center and they have a single axle that is available and to have it specked out would cost \$148,000 and is a lighter truck than the Town has. Mr. Wyman would like to authorize the Town Manager to start the process of replacing the 2011 truck. Dave Atherton stated there has been discussion of replacing the next truck with a tandem due to being able to haul twice as much. The Town would then have two tandems and a single axle. Mr. Markowski stated there are many miles of road outside the downtown to do and is a lot of roads for three trucks. Mr. Atherton advised there are 86 miles total with 47 miles being dirt. Mr. Markowski noted the State does 20 miles of road with three trucks. Tim Guiles asked if there is any other solution to

temporarily lease rather than fix the truck as there will likely be another problem with this truck and it doesn't make sense to keep an old vehicle going. Mr. Guiles asked whether the 2011 to be replaced is in worse shape. Mr. Atherton advised the 2011 has a lot of corrosion. Mr. Markowski stated with the list of repairs to be done and a good maintenance plan, the truck will likely last another 3 or 4 years. Mr. Wyman noted the truck only has 48,000 miles and there is a competent Town crew maintaining it. Mr. Hopkins asked if this is a not to exceed purchase order and Mr. Atherton stated this is the cost after diagnosing the repairs needed. Mr. Markowski stated Earle's estimates are usually quite accurate.

**The motion passed unanimously.**

**Motion** by Tracy Wyman/Michael Markowski to authorize the Town Manager to start the process of obtaining bids for a new tandem truck due to the 18 month lead time. **The motion passed unanimously.**

Seth Hopkins asked if the Board wanted to consider requesting the Planning Commission to prepare and recommend a capital budget as the Planning Commission is authorized to do so or to keep it as a responsibility of the Select Board. The Select Board has not asked the Planning Commission to do capital planning in the past. Michael Markowski suggested the Select Board keep the responsibility, particularly in the instances for equipment. Tracy Wyman agreed. Mr. Hopkins stated it would involve taking inventory and projecting longevity of the equipment. Dave Atherton advised capital budget plans have been brought up in the past and were not followed due to storms, economy, or board changes. It is difficult to come up with capital plans and suggested doing more research to determine if it can be followed. He noted there had been a matrix that kept being pushed aside. This would be asking taxpayers to tie up their money to plan ahead. When purchasing equipment, the Town goes through capital leasing that works well. Things change and how to come up with a capital plan will be tricky to follow.

***b) General Fund Warrant – March 22, 2021 - \$20,727.36***

**Motion** by Tracy Wyman/Brian Coolidge to approve the warrants of March 22, 2021 in the amount of \$20,727.36. **The motion passed unanimously.**

Tim Guiles asked if Overhead Door has been back to tighten the doors at the town garage. Dave Atherton advised that has been done.

Sue Gage reported the Town Clerk's office is now open to the public due to a decrease in COVID cases. There is a signage requesting masks be worn and to continue to social distance.

Barry Varian stated on the animal control officer, truck repair and swamp land items the Board had a very good collaborative discussion.

The Board recessed at 8:50PM.

The Board reconvened at 8:54PM.

**Motion** by Tracy Wyman/Brian Coolidge to find that the premature general public knowledge of the negotiation strategies with the NEBPA will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

**Motion** by Tracy Wyman/Brian Coolidge to enter into executive session at 8:55PM under the provisions of 1 V.S.A. 313(a)(1) to discuss the current collective bargaining agreement with the NEBPA, with the session to include the Town Manager. **The motion passed unanimously.**

## **10. Executive Session**

The Board came out of executive session at 9:05PM.

The Board requested to have Connie Pell attend the union contract rewrite meeting with Dave Atherton, Seth Hopkins, and Tim Guiles.

**Motion** by Brian Coolidge/Tracy Wyman to find that the premature general public knowledge of a pending or probable civil litigation or prosecution, to which the public body is or may be a party 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 9:06PM, with the session to include the Town Manager, under the provisions of 1 V.S.A. 313(a)(1) to discuss the pending or probable civil litigation or prosecution. **The motion passed unanimously.**

## **11. Executive Session**

The Board came out of executive session at 9:15M.

**Motion** by Tracy Wyman/Brian Coolidge to accept the settlement and agreement between Brookdale and the Town of Brandon dated March 17<sup>th</sup>. **The motion passed unanimously.**

## **11. Adjournment**

**Motion** by Tracy Wyman/Brian Coolidge to adjourn the Select Board meeting at 9:16PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary