

**Brandon Select Board Meeting
March 8, 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, Butch Shaw, Todd Nielsen, Bill Moore, Bernie Carr, Marielle Blaise, Ralph Ethier, Sue Gage, Barry Varian, Lee Kahrs, Liz Gregorek, Brent Buehler, Chris Brickell, Bob Foley, Neil Silins

1. Call to order

The meeting was called to order by Dave Atherton at 7:00PM.

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

Tim Guiles requested an additional executive session under the provisions of 1 V.S.A. 313(a)(3) – Appointment or employment or evaluation of a public officer or employee.

Seth Hopkins requested Item c under Item 3. Consent Agenda be removed, as it will need updating prior to approval.

Motion by Seth Hopkins/Tracy Wyman to remove Item 3(c)(1) of the Consent Agenda to deal with separately. **The motion passed unanimously.**

2. Election of Select Board Officers

a) Election of Chair

Motion by Brian Coolidge/Tim Guiles to appoint Seth Hopkins as the Chairperson of the Brandon Select Board. **The motion passed unanimously.**

a) Election of Vice-Chair

Motion by Brian Coolidge/Michael Markowski to appoint Tracy Wyman as the Vice-Chair of the Brandon Select Board. **The motion passed unanimously.**

a) Election of Clerk

Motion by Tim Guiles/Brian Coolidge to appoint Michael Markowski as the Clerk of the Brandon Select Board. **The motion passed unanimously.**

Mr. Atherton turned the meeting over to Seth Hopkins.

3. Consent Agenda

Motion by Tracy Wyman/Tim Guiles to approve the Consent Agenda - Items a through f with the removal of Item c(1). **The motion passed unanimously.**

a) Designation of Select Board as Other Statutory Bodies

- 1) *Board of Liquor Control (Title 7, Section 166)*
- 2) *Board of Health, (Title 18, Section 604)*
- 3) *Board of Sewer Commissioners*
 - *(aka) Board of Sewage System Commissioners (Title 24, Section 3506)*
 - *(aka) Board of Sewage Disposal Commissioners (Title 24, Section 3614)*
- 4) *Housing Board of Review (Title 24, Section 5005)*

b) Establish Meeting Schedule, Time and Location

- 1) *Second and fourth Mondays*
- 2) *7:00PM*
- 3) *Brandon Town Hall or Zoom meeting ID #253 279 4161*

c) Adopt Meeting Rules and Procedures

- 1) *Rules of Procedure for Select Board of the Town of Brandon, Vermont*
- 2) *Reports of Appointed Boards, Commission and Officials to the Select Board*

d) Designate Official Newspaper

- 1) *Official – The Reporter*
- 2) *Alternate – The Rutland Herald*

e) Approval of Minutes

- 1) *Select Board Minutes – February 22, 2021*

f) Appointments

- 1) *Tree Warden - Wayne Kingsley*
- 2) *Fence Viewers (3 members) – Lou Faivre, Todd Nielsen and John Reynolds*
- 3) *Inspector of Lumber, Shingles and Wood – Bob Kilpeck*
- 4) *Weighers of Coal – Lou Faivre and Olya Hopkins*
- 5) *BLSG Insect Control District (2 reps) - Wayne Rausenberger and Richard Russ*
- 6) *Budget Committee (4 members) - Jan Coolidge and Barry Varian*
- 7) *Rutland County Solid Waste District (1 rep) - Gabe McGuigan*

Mr. Hopkins suggested some small edits for Item 3(C)1 – Rules of Procedure for the Select Board that is a three page document that was previously adopted. On page 2 – Agendas and Meetings - there are edits or suggestions in (D)(2) as to where agendas are posted. Mr. Hopkins believes the Town is now posting at the Junction Store and he suggested removing the words

“outside post office”. He also noted the remove of “outside of post office” in (E)(2). Mr. Hopkins noted that this document was approved before COVID and indicated that all regular meetings will be held the 2nd and 4th Mondays at Brandon Town Hall and suggested that this be changed to “or by Zoom as authorized by the legislature”. Mr. Hopkins stated another item – (E)(4) about remote meetings uses the old form. The agenda will note one physical location and asked since the legislature allows to work this way, to strike the two sentences this year or insert a clause, “absent legislative action”. Mr. Hopkins stated the easiest way would be to remove the two sentences.

Motion by Seth Hopkins/Tracy Wyman to approve the amendments noted above to the document Rules of Procedure for Select Board of the Town of Brandon, Vermont. **The motion passed unanimously.**

Seth Hopkins read the following statement:

“I thank the voters for continuing me on the board and thank the board members for again choosing me to chair. We welcome Mike Markowski to the board tonight and look forward to his service. As we get underway in the new board year, I’d like to take a moment to simply re-affirm for the benefit of all the members of the public what the basic concept is here.

The basic concept is that all of us — you, me, the board members, Dave, Charlene — we all call Brandon our home.

All of us could be doing something else I dare say more enjoyable or profitable or relaxing right now. But we’re here because we are willing — and you the public who are here tonight are willing — to give time and talent and energy to make Brandon better. If you doubt that about anyone in here, you need to consider your own motivations. We are all here acting in good faith and goodwill, and we will assume the same of all the other participants. As a board, we do have rules of procedure, lightly adapted from the VLCT suggested model. We need to have rules to ensure that our work can be done without undue cost of time.

For the past four years and going forward I do not plan to suddenly change my methods, I have chaired these board meetings in a way that fosters decency and order, and also recognizes we are a small board in a small town and public input is always solicited and always welcomed.

There may sometimes be a difference between public input being welcomed and public input being determinative of the board’s action. But please, if you are not sure whether now or later is the appropriate time to offer your contribution, simply raise your hand and ask. I don’t honestly recall a single instance in chairing the previous one hundred board meetings when I declined to recognize someone who gave me even a small hint that they wanted to speak.

You as Brandon residents have more or less a rolling opportunity to contribute to board meetings. First, in the agenda item dedicated to public comment. That’s #8 tonight. Second, after the board has had its chance, the public can comment in every other agenda item, either before or after a vote, and whether I directly ask for it or not. And thirdly, at the end of the meeting when I call for announcements. We do appreciate you. We do hope to hear from you in our meetings. And we do hope to do good things together that we all can be proud of.”

4. Town Manager’s Report

Dave Atherton provided a report for the weeks of February 22nd and March 1st, 2021:

Other Happenings:

. We have loaned one of our police cruisers to the Town of Pittsford for a month. They sustained damage to one of their cruisers during the high winds on March 1st.

. Mr. Atherton had another meeting with the Army Corp of Engineers on March 2nd to discuss next steps with Flood Resiliency. They are now looking at the history of high flows due to storm events and calculating mitigation costs (buyouts, infrastructure repairs, etc.).

. Mr. Atherton has received the final approval from FEMA for the 389 Newton Road buyout. Once the grant agreement is signed, he will be able to order the property appraisal. The sub-grant agreement should be received in a week.

. Truck #6 is back in the shop for more mechanical repairs. It's not looking good and the repair is estimated at around \$15,000. It is leaking coolant and Mr. Atherton has not seen the estimate yet from the shop. The Town is probably going to want to start pricing out a new truck, as this one is old.

. Mr. Atherton has started the annual update to the Local Emergency Management Plan. He is hoping to have it ready for Select Board approval at the next meeting.

Dave Atherton stated there was conversation about salaries for town employees regarding what was paid during the Segment 6 project. Mr. Atherton had assumed the Project Manager role at VTrans request when the last manager left. There was an hourly rate paid for the time he spent on Segment 6. This was something the Town had to do. There was also one of the bookkeepers that was billed out too. This saved the Town a lot of money in not going outside for additional staffing. Mr. Atherton advised all of this information is public record and available for viewing.

Rec Department News:

. Basketball started at Middlebury Rec.

. Baseball sign-ups will be out this week.

. Kickball will commence in the spring.

. We are slowly allowing programming to resume in the Town Hall. Table tennis and cornhole will be starting the week of March 15th.

. Waiting for a quote from Markowski Excavating to develop a walking path around Estabrook. We will be writing grants for Estabrook improvements including some fencing and the paths.

Tracy Wyman questioned the year of the truck that requires repair and asked what the value of the truck would be once repaired. Mr. Atherton noted the Town is trying to work what the estimate will be once repaired. The truck is currently at Earl's. Tim Guiles advised the truck is a 2013 according to the Green Fleet data.

Brent Buehler thanked Mr. Atherton for the clarification on the Route 7 compensation that he provided.

Bill Moore provided an update on the Otter Creek Communication District. Mr. Moore stated there is a lot of money that will be going into communications but the legislation has not been solidified yet. The District is not in a position yet to start building out infrastructure but the business plan is being put together. Consolidated Communications will be doing an extensive build out of fiber that will go to homes through downtown Brandon. As Mr. Moore obtains more information he will provide another update. The next meeting of the Communication District is scheduled for March 17th. Mr. Moore noted there are many towns that are now involved in this program. Seth Hopkins thanked Mr. Moore for the work he is doing on the Otter Creek Communication District.

5. Set Dates for Hearings on Noise Ordinance

Seth Hopkins advised that the hearings to be set for the noise ordinance are information gathering sessions before the ordinance is drafted. There will also be an official hearing to review the ordinance once it is written. Mr. Hopkins requested recommendations for two meeting dates. Tracy Wyman questioned if they could be done prior to Select Board meetings and Mr. Hopkins suggested one could be scheduled prior to a meeting but suggested scheduling the other not on a weekday evening. It was noted that all board members did not need to be present for hearings, but as many as possible would be good. It was decided to hold the listening sessions for 6:00PM on March 22nd and Saturday, March 20th at 10AM. Mr. Atherton stated this will be a hearing and a quorum is not necessary and the intent is to obtain input from the public. Mr. Hopkins noted Mr. Wyman had expressed concern about Zoom meetings and asked if there were suggestions for obtaining input from people who are not comfortable with Zoom. Mr. Wyman stated before the final hearing on the ordinance, the Board will likely have time to figure that out. Mr. Hopkins advised that after the listening hearings, Board members will start to draft the ordinance in April in consultation with the Town Manager, Town Attorney and the VLCT. Tim Guiles suggested people could be encouraged to write letters as the Board wants to offer everyone ways to get their opinion heard. The two sessions will be posted in the usual places and in the newspaper that will include a suggestion for written input to be sent to the Town Manager. The Board was in consensus of all recommendations for the hearing dates and process.

6. Road Posting

Dave Atherton stated this is done every spring and the only new requests are adding Old Brandon Road and Nickerson Road. He noted Nickerson Road makes sense because Carver Street is posted anyway but Old Brandon Road has never been on the list and the Public Works Director is requesting this addition. Tracy Wyman asked if Nickerson Road is posted, why post Old Brandon Road. He suggested like when posting McConnell Road, he understands Old Basin Road. Mr. Atherton stated the Town is not telling people they can't use the roads; they just need to call the Town before using them. It is more or less a notice to request permission to use the road and the addition is being requested by the Public Works Manager. Mike Markowski asked why the Middle Road that comes off Route 73 to Route 53 is not posted as it is like a one-lane road. Tracy Wyman stated the Town does not post North Street because the trucks need a route to go from North Street to Newton Road, so trucks have access to the gravel pits.

Motion by Tracy Wyman/Michael Markowski to approve the Road Posting Notice as presented.
The motion passed unanimously.

7. Consider Policy of Select Board Members in Board Appointed Positions

Seth Hopkins provided information on this topic and noted the idea is that it is difficult for an appointed board to have a Select Board member sitting on it because there could be the appearance the Select Board member is speaking for the Select Board as they serve on the other board, or the appearance the Select Board member has additional authority. There is consensus that a sitting Select Board member will not sit on a board that the Select Board appoints. This does not mean that the Select Board members cannot serve on other committees like the Chamber. Mr. Hopkins read the following suggested points for the Selectboard Members in Board-Appointed Positions: *“1) That a serving selectboard member by virtue of their position on the selectboard self-disqualifies from serving on a town board or commission whose members are appointed by the selectboard, 2) That a serving selectboard member by virtue of their position on the selectboard self-disqualifies from serving as a delegate, alternate, representative, coordinator, or in any other position appointed by the selectboard, 3) That the selectboard will not appoint a second member of the same household to a single board or commission and 4) That a member of a board or commission appointed by selectboard or an officer who is then elected to the selectboard, must resign their other commission.”* Mr. Hopkins stated this document is based on input from previous meetings. Mr. Hopkins suggested that it could either be a separate policy or add the points to the policy that was adopted last month as items 8 through 11.

Tracy Wyman agreed with all that Mr. Hopkins recommended. Tim Guiles questioned the item concerning two people from the same household serving on the same board as there may be two people who share an interest and he does not see a specific conflict and if they are willing to serve, it does not seem like an obvious conflict. Mr. Wyman liked the idea of keeping the document as Mr. Hopkins suggested as he did not think that two members of one household should serve on the same board. Michael Markowski agreed with Mr. Wyman because business does not stop at the meeting and there could be decisions made outside the meeting. Mr. Hopkins stated the Town has a conflict of interest policy that was adopted in 2019 and remains in force, as well as the policy approved last month. The VLCT talks about conflicts and Mr. Hopkins thought that it might be an apparent conflict of interest, lending itself toward business being conducted not in an open meeting. Mr. Guiles thought it is sometimes challenging in a small community to find individuals to serve. Mr. Hopkins noted recently the Town has had more people interested in serving. Mr. Hopkins suggested the Board give thought to if the two policies should be combined together or remain separate. It was the consensus of the Board to have the two policies. Mr. Hopkins suggested moving the item regarding two members of a same household to the other document. Mr. Hopkins will bring two side by side documents and one comprehensive policy to the next meeting for discussion. Mr. Hopkins noted this goes above and beyond State law.

8. Public Comment and Participation

Butch Shaw reported the legislature has been off and will be going back into session tomorrow morning. It is hoped to have all budgets done next Friday and they are looking forward to seeing the bill from Washington.

Dave Atherton advised the Red Clover Brewery is #7 in the country and are competing with many breweries across the country. The voting ends on March 16th and Mr. Moore provided the following link for voting: https://www.10best.com/awards/travel/best-new-brewery-2021/red-clover-ale-company-brandon-vermont/?fbclid=IwAR3n9KyQbO2PZP38cfrsv1PFqtIAkkZ_CeNnZ-mzyTidkAfpdjSGdcIqAdA.

Seth Hopkins stated the Board did many appointments in the consent agenda and thanked all who signed up to serve in the positions. There are a number of people that have served for a number of years and also a couple of people that are on for the first time and it is a good mix of the community. Mr. Hopkins wished to thank the following community members who will be serving: Tree Warden - Wayne Kingsley, Fence Viewers – Lou Faivre, Todd Nielsen and John Reynolds, Inspector of Lumber, Shingles and Wood – Bob Kilpeck, Weighers of Coal – Lou Faivre and Olya Hopkins, BLSG Insect Control District Reps - Wayne Rausenberger and Richard Russ, Budget Committee - Jan Coolidge and Barry Varian, and Rutland County Solid Waste District Rep - Gabe McGuigan.

8. Fiscal

a) General Fund Warrant – March 8, 2021 - \$45,236.91

Motion by Tracy Wyman/Brian Coolidge to approve the warrants of March 8, 2021 in the amount of \$45,236.91. **The motion passed unanimously.**

The Board recessed at 7:51PM.

The Board reconvened at 7:55PM.

Seth Hopkins advised that the first executive session was regarding the Planning Commission. Mr. Hopkins stated there were three letters of interest received from Liz Gregorek, Bob Foley, and Todd Nielson. There are two seats on the Planning Commission vacant from the resignations of Stephanie Jerome and Michael Shank and per 24 V.S.A. 4321, the Select Board has the ability to set the number of planning commission seats for not less than 3 or not more than 9. Currently the Town has five commissioners who are serving, Allie Breyer, Ralph Ethier, Bill Mills, Lowell Rasmussen, and Allie Walters.

Motion by Tracy Wyman/Mike Markowski to appoint Todd Nielsen, Liz Gregorek and Bob Foley to the Planning Commission.

Tim Guiles thought it is a good idea to appoint the individuals and noted he is grateful they wish to serve but suggested the Board should follow-through with interviews for the future. Seth Hopkins stated the appointments have been a fluid situation due to the second resignation. Mr. Guiles stated especially with the Planning Commission, it might be helpful in the future to hear

people's views of what their input to the Commission can be and possibly to obtain their position on how they might guide the Town going forward. Liz Gregorek thanked the Board for giving her the opportunity to serve the Town. Todd Nielsen had no comment with regard to an interview. Bob Foley advised that he has served on a planning commission years ago and agreed that interviews would be good. Mr. Hopkins noted he would not always be in favor of appointing without doing an interview as this is an important committee, however, he is confident that Mr. Foley, Mr. Nielsen, and Ms. Gregorek will make good contributions to the planning commission, as he knows all members appointed.

The motion passed unanimously.

Dave Atherton will check with the VLCT for information that could be provided to the new members and will provide them a copy of the BLUO and the Town Plan. Mr. Atherton will also advise the sitting members about the appointments. There was not a need for the first executive session noted on the agenda.

Motion by Tracy Wyman/Brian Coolidge to enter into executive session at 8:04PM under the provisions of 1 V.S.A. 313(a)(3) – Appointment or employment or evaluation of a public officer or employee. **The motion passed unanimously.**

9. Executive Session

The Board came out of executive session at 8:23PM. There were no actions required.

Motion by Tracy Wyman/Brian Coolidge to enter into executive session at 8:24PM under the provisions of 1 V.S.A. 313(a)(3) – Appointment or employment or evaluation of a public officer or employee. **The motion passed unanimously.**

10. Executive Session

The Board came out of executive session at 8:41PM. There were no actions required.

11. Adjournment

Motion by Tracy Wyman/Brian Coolidge to adjourn the Select Board meeting at 8:41PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary