

PLEASE NOTE: REMOTE MEETING via ZOOM

Meeting ID (253 279 4161)

Dial: (929) 205 6099

**Brandon Select Board Meeting
April 12, 2021
7:00 p.m.**

The Brandon Select Board will meet Monday, April 12, 2021 at 7:00 p.m. expecting to consider the items noted on this agenda. Agendas shall be posted on the community bulletin board located at the Town Office at 49 Center Street and on the community bulletin board located at the Junction Store & Deli at 2265 Forest Dale Road. The Select Board reserves the right to add additional items, if necessary, at the beginning of the meeting.

- 1) Call to Order
 - a) Agenda Adoption
- 2) Approval of Minutes
 - a) Public Hearing – Noise Ordinance – March 20, 2021
 - b) Public Hearing – Noise Ordinance – March 22, 2021
 - c) Select Board Minutes – March 22, 2021
- 3) Town Manager's Report
- 4) Public Comment and Participation
- 5) Consider Policy to Avoid Conflicts of Interest in Board Appointments
- 6) Noise Ordinance Discussion
- 7) Consider Estabrook Park Use Policy
- 8) Consider Real Estate Conveyance
- 9) Consider Reinstating Interest and Penalty on Sewer and Taxes
- 10) Consider Loan Resolution for Wastewater Bond
- 11) Fiscal
 - a) Warrant – April 12, 2021- \$156,644.49
- 12) Executive Session

First Motion: I move to find that the premature general public knowledge of the negotiation strategies with the NEBPA will clearly place the Town at a substantial disadvantage.

Second Motion: I move that we enter executive session to discuss the current collective bargaining agreement with the NEBPA under the provisions of 1 V.S.A. § 313(a)(1)
- 13) Adjournment

**Brandon Select Board Hearing
Noise Ordinance
March 20, 2021**

Board Members Present: Tim Guiles, Seth Hopkins, Tracy Wyman, Mike Markowski

Others Present: Dave Atherton, Bill Moore, Michael Shank, Allie Breyer, Liz Gregorik, Brian Quigley, Brenna Kimball, Brent Buehler, Chris Brickell, Peter Werner, Larry Forest, Mei Mei Brown, Courtney Satz, Kurt Kimball, Mary Lou Webster, Jay, Karleen, Darcey

1. Call to order

Seth Hopkins, Chair, opened the hearing at 10:00AM.

2. Public Comments

Seth Hopkins read the following:

"Good morning!

Thank you all for taking time to participate in this on the first day of Spring.

I call this hearing to order. This is the first of two intentional listening sessions for the Brandon selectboard to hear from the residents of Brandon about the possibility of regulating noise within our Town through an ordinance. Today is the first step in a process discussed and adopted by the board in February.

This is not a debate and it's not a Q&A with the board, it's just an orderly and legal way for you to let the selectboard know your thoughts on regulating noise. The hearing today and on Monday go beyond what is required by Vermont law, and the board is happy to make these additional efforts because we are committed to gaining the true sense of the town.

The board is listening today and not taking any positions itself.

Folks who would like to get out and enjoy the sunshine can submit written comments by emailing those to our town manager David Atherton at datherton@townofbrandon.com for distribution to the board, or mail your written comments to the town office at 49 Center St, or drop off your written comments in the payment box on the sidewalk outside the front door there.

If the board determines to draft a noise ordinance, the process we will follow in Brandon will further exceed the requirements of Vermont law, and will include board deliberation in open session with public comment, as well as an additional hearing for public input on any draft ordinance before board action on it.

This morning, I'd simply ask you to be respectful of everyone and their time. Please identify yourself with your name for the record and verify that you are a Brandon resident by so stating. Please keep your comments brief in consideration of others. If you have lengthy comments, you might serve your goals well by offering a concise summary aloud and submitting the body of your comments in writing. We want to make sure everyone who wants to has a chance to contribute this morning.

Our Monday hearings are kept to one hour because they happen before the selectboard meeting, and if possible to keep today's hearing to one hour, I think lots of folks would appreciate that. We can always schedule additional hearings if there is more interest in contributions. The board is working with an eye to getting this done "right" rather getting this done "right now". If the process needs to go longer, it can go on longer. Seth opened the floor to residents of Brandon."

Tracy Wyman read the following letters he received:

Letter from Eric Mallory received 3/20/21: *"To the Brandon Select Board. I strongly feel that there is no need for a noise ordinance in Brandon. Lots of folks own property and should be able to use and enjoy it in anyway they see fit. Thank you. Eric Mallory"*

Letter from Joanne Scarborough received 3/19/21: *"To the Brandon Select Board. I do not believe Brandon needs an ordinance for noise. I have lived here all my life and believe that what is in the state statute is working fine. For folks that want to have a noise ordinance maybe should look to move to a town that might have one. Thank you. Joanne Scarborough."*

Brent Buehler, Brandon resident, advised he recently asked about noise levels that may occur at the Mobil gas pumps regarding speakers. The Town has to ask the developer/owner and on the project. Mr. Buehler stated it would be helpful during the DRB review to ask what the noise level will be. He does not know if the gas pumps will be running 24 hours and thinks it would be more helpful if the Review Board asked about noise levels. Mr. Buehler thanked Michael Shank for the information from other towns noise ordinances and noted none seem to be heavy handed or overly disciplinary and did not deprive anyone of the enjoyment of their property.

Larry Forest of 999 High Pond Road stated he was present as he wanted to know what the hearing was about because he does a lot of shooting with his muzzle loader.

Liz Gregorik appreciated the opportunity to speak and advised they have lived in Brandon over 30 years and are glad to have the space for quiet and to enjoy their hobbies. She asked why there is an inquiry for a change and how it was going to affect people in town versus out of town. Ms. Gregorik stated their family moved out of town to enjoy hobbies that do include shooting guns. Seth Hopkins stated the hearings are happening because the Select Board has been given a number of concerns about noise that started at the Planning Commission level with some public input. The Select Board is the forum where this would happen and is the reason for the hearings. What the ordinance might include is a blank slate at this point and the Select Board is just listening to people's comments and learning about what the community wants.

Michael Shank thanked the Select Board for organizing the sessions. Mr. Shank asked how the Town approaches the idea of personal versus the collective and the rights of majority versus the rights of the person. He cited examples of historical and legal precedents that compromised the society as a whole such as littering or speeding. Vermont farmers flagged littering in the 1950s and something was done because personal pollution was bad for the majority. He personally could host a 120 decibel level concert via speakers in his field, but he doesn't because it would impact the majority. The purpose of government is to protect the rights of the majority. He has an electric EV and would like to drive it fast, but he doesn't due to the national speed limit because it impacts the security and safety of the society. If he wants to drive fast he could go to a racetrack. The individual choice versus the needs and the rights of the majority is why gun clubs are set up. There are appropriate exceptions for hunting and gun clubs. If law does not apply, then anything goes and is why we have speed limits to protect us. We have ordinances that apply to physical that adheres to the majority, so why not consistently apply policy to noise as it has an exception to the rule.

Peter Werner of 1426 High Pond Road recently became aware of this hearing and was aware that Mr. Shank has some issues with shooting. Mr. Werner did some research to try to understand more about injury from loud decibel levels. He has lived here 30+ years and has seen neighbors come and go, but he has gotten along with all of them and believes he can get along with Mr. Shank. If a rifle gives off 150 decibels, it dissipates by 6 level every time you double the distance. Mr. Gregorik is 2290 feet away and the 150 decibels, not taking into account trees etc., the decibels drop to 80.7. If you are standing by a train, the noise may cause damage, but from a distance, the sound of the train far away is a romantic sound. We can't categorize gun shots as damaging noise as they dissipate. Even at the level near Mr. Shank it dissipates minus the trees, etc.. Damaging sound typically happens over a long length of time. With a gun shot it is a fraction of a second. He does shoot and wears ear protection. He has heard Larry Forest and Derek Gregorik shoot a lot and it has not been an issue. Mr. Werner offered to prepare a spreadsheet on the information that he researched for the Select Board.

Mary Lou Webster asked to address the February 13th letter that she sent to the Select Board. Seth Hopkins stated there is a letter that will be presented at the Select Board meeting that Bill Moore wrote and this item can be discussed at that meeting. Ms. Webster stated the purpose of the letter was to address the noise at Estabrook Park and thought it was germane to the meeting. Mr. Hopkins advised the Select Board is taking public comment and the written remarks she made can be part of the comments and participation. This is entirely for the public to talk to the Select Board and not for the Board to take position. This is a specific case that the Board needs to respond to. Ms. Webster asked that the written letter be included in the comments for the meeting.

Following is the letter received by the Select Board from Mary Lou Webster:

"This letter addresses concerns I have over the mis-management of Estabrook Field and the upcoming debate over a noise ordinance for Brandon. For selectpersons who are newer residents of Brandon, I willstart 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.

Kurt Kimball of 114 Kimball Road stated he has lived here for 62 years and his father and grandfather before that and they have never had any trouble, only when Butch Trombley was

shooting constantly. As far as he and his sons shooting guns, he hopes that it will not bother people. He is highly against the ordinance.

Mei Mei Brown was sorry the hearing was focusing on guns. She lives in the Arnold District and suffered when the gun club was running in Leicester. Guns are startling noise if you don't know it is happening but she wants people to think beyond guns. It is about loud parties, barking dogs and loud vehicles. She hopes the conversation goes beyond gun as it is more about all noises that could be harmful to people. Chronic noise can have health issues and there is a need to have some sort of ordinance in Brandon.

Courtney Satz agreed with Ms. Brown as it is not all about gun shooting. They live on Woods Lane and have had discussions with one of their neighbors about their cars using the road as a racetrack at all hours of the day. The neighbor to neighbor discussions have not gone anywhere and there is not a platform for the Town to address anything. She is in favor of an ordinance as it would provide the Town the ability to intervene.

Mr. Shank responded to Mr. Werner's comments noting most noise ordinances have to do with property boundaries. Any noise ordinance would be predicated on property boundaries. His position has more to do with the health of his animal sanctuary and human health as well. His horse barn is adjacent to the mobile home and when assault weapons are shot, it impairs the horses. He has talked about getting rid of the horses for their health. He recognizes that horses are not humans, but it does affect his business. Mr. Shank had some business ideas that he did not pursue because he cannot guarantee a client a retreat or therapeutic riding. The Town cannot guarantee a stable environment so he is not pursuing the business ideas or having children ride horses on his property as the gun shooting could imperil the children. There have been additional complaints to the Planning Commission concerning loud cars, ATVs, and loud music. Anonymous comments indicate we don't have laws to protect the majority. Where the decibels land, it makes his property unusable the way he had envisioned it. Noise ordinances should apply to property boundaries and he imagines there are places that people could shoot that would not undermine the majority.

Seth Hopkins stated there will be another hearing from 6PM to 7PM on Monday. The Board appreciates all comments and they will take them all into consideration as the process goes forward.

The hearing closed at 10:35AM.

Respectfully submitted,

Charlene Bryant
Recording Secretary

**Brandon Select Board Hearing
Noise Ordinance
March 22, 2021**

Board Members Present: Tim Guiles, Seth Hopkins, Tracy Wyman, Brian Coolidge, Mike Markowski

Others Present: Dave Atherton, Bill Moore, Michael Shank, Neil Silins, Brent Buehler, Marielle Blaise, Matthew Orchards, Annie Stratton, Betsy Quigley, Peter Werner, Greg & Jon Gearwar, Christopher Brickell, Amanda Swain, Kerri Quinn, Allie Breyer, Ralph Ethier, Lee Kahrs, Doug Bailey, Claire Astone, Derek Gregorik, Courtney Satz, Sara and Larry Stevens, Lindsey Berk, Shirley Markland, Trish Welch, Tanya Carmichael, Tom Kilpeck, Tracy Carrara, Susan Gage, Jan Coolidge, Natalie Steen

1. Call to order

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

2. Public Comments

Seth Hopkins read the following:

“Good evening!

Thank you all for taking time to participate in this on such a spectacular Spring evening.

I call this hearing to order. This is the second of two intentional listening sessions for the Brandon selectboard to hear from the residents of Brandon about the possibility of regulating noise within our Town through an ordinance. Today is the first step in a process discussed and adopted by the board in February.

This is not a debate and it's not a Q&A with the board, it's just an orderly and legal way for you to let the selectboard know your thoughts on regulating noise. The hearing tonight and this past Saturday morning go beyond what is required by Vermont law, and the board is happy to make these additional efforts because we are committed to gaining the true sense of the town.

The board is listening tonight and not taking any positions itself.

Folks who would like to may submit written comments by emailing those to our town manager David Atherton at datherton@townofbrandon.com for distribution to the board or mail your written comments to the town office at 49 Center St, or drop off your written comments in the payment box on the sidewalk outside the front door there.

If the board determines to draft a noise ordinance, the process we will follow in Brandon will further exceed the requirements of Vermont law, and will include board deliberation in open session with public comment, as well as an additional hearing for public input on any draft ordinance before board action on it.

This evening, I'd simply ask you to be respectful of everyone and their time. Please identify yourself with your name for the record and verify that you are a Brandon resident by so stating. Please keep your comments brief in consideration of others. If you have lengthy comments, you might serve your goals well by offering a concise summary aloud and submitting the body of your comments in writing. We want to make sure everyone who wants to has a chance to contribute this evening.

Our Monday hearings are kept to one hour because they happen before the selectboard meeting, so this hearing will finish at or before 7PM. We can always schedule additional hearings if there is more interest in contributions. The board is working with an eye to getting this done "right" rather getting this done "right now."

Seth Hopkins opened the floor to comments and noted the only rule is everyone gets a first chance before others get a second chance to speak.

Marielle Blaise read the following statement she received from a friend who moved away from Brandon:

"In 2016 I complained to a Brandon cop about my neighbor who shot his gun at night close to my home. I indicated I didn't feel safe. He told me it was my neighbor's right to shoot guns up until 10PM. Angry, I said, "you've just lost a good Brandon resident." I moved in July within a year of talking to the cop. In retrospect, I think the cops were fearful of this young outlaw."

Allie Breyer stated this is challenging and read the following statement about her experiences living on High Pond Road:

"I want to talk about my experience with noise living on High Pond Road. We have one neighbor who shoots Tannerite and assault weapons regularly. The assault weapons ricochet across our valley, shaking buildings and our home. Literally. We also have a neighbor that shoots assault weapons at all hours of the day – which is not just a noise issue. It is also a safety issue. Every time it is sudden. Every time it is unexpected. So we never know when it is going to happen. And trust us – we have tried countless times to have conversations with these neighbors to no avail. I know many people who are terrified to speak up on our road because assault weapon owners inherently have the upper hand in these situations.

I am highly sensitive to noises. It is why I don't go to fireworks. I feel reticent to share this story in a public forum but it feels important for people with trauma to have their voices heard too. Loud noises for me, especially unexpected loud noises, causes immediate stress in my body, elevated heart rate, adrenaline, blood pressures, anxiousness, and increased sleeplessness. It usually lasts hours, if not longer.

*And I want to be clear. My story is not unique. And it is not just the assault weapons at all hours of day and night and Tannerite causing this stress. It is the ATVS circling for hours and hours at a time. The music blaring until midnight. The vehicles that have been tricked out to be as loud as possible. What it ISN'T is pre-planned public events. It is not playing music at a reasonable volume. It is not having a couple friends over. It is not the person who plays drums and lets their neighbors know. **What it IS is the people who make the excessive, unreasonable, constant, overwhelming noise at all hours of day and night with no regard for their neighbors.***

And it comes down to this. People keep saying that this is what you should expect when you live in Vermont. But despite beliefs in town, this could not be any further from the truth. Looking up the top ten towns in Vermont for best economies, lowest unemployment, best schools, best median home values, cost of rent --- guess what they all have in common? They all have a noise ordinance. I don't want to say that correlation equals causation, but let's not pretend that "you get what you deserve by living rurally."

And so, maybe if we go in this direction and continue to not have a noise ordinance then maybe we should stop falsely advertising what Brandon is and what it isn't. We should let people know EXACTLY what they are getting into before they get here. The town should be telling people before they move here that it is unwelcoming to those with PTSD, with trauma, and with anyone who wishes to have their property rights respected. Perhaps we should use unhurried, unspoiled, and unconsiderate of our neighbors who enjoy quiet enjoyment on their land.

I deeply hope the town chooses to protect all of our property rights and not just the property rights of the few. And if not, I hope they consider advertising the town for what it is."

Claire Astone thanked the Board for the opportunity to talk about neighbors and neighborhoods between everyone's rights and to do what interests them. We all have feelings and terrors from the past and it is important that we are able to live together and have harmony. This is not a Second Amendment issue but being respectful of people being able to sleep and not having guns going off or other noise. She is blessed to be on a quiet street. We have to find a way to live together in a community that has a shared and common denominator of safety, in getting sleep and being able to walk down your street without recourse for speaking out. This is not about taking people's guns and she is tired of that excuse for having this discussion. This is about safety. We need to be aware of safety and we should not assume that people who own property are above the law. This is a difficult subject and she likes to think we can work through this. No one wants anyone's guns.

Larry Stevens stated everyone is saying that they associate this noise issue with an assault weapon, however, they are no louder than any other weapon. This is the first step of control in regulating the use and then the type of gun and the number of guns you own. He shoots and his neighbors shoot and there is safety. Noise and safety have nothing to do with each other and he feels that this is a government takeover to regulate everything we do for the people who move to this town. We have been doing this for generations and if they want a Woodstock, he is sure that there are houses available there. We live here because we like to do these things. Mr. Stevens asked where there has been danger. He stated this is going too far and the Town is getting to the point of regulating everything. Sara Stevens asked where the proposed ordinance can be viewed.

Seth Hopkins advised there is currently not a proposed ordinance. The hearings are to assist the Select Board with creating an ordinance. There was a Planning Commission draft but because it is a Select Board duty, the Select Board is in the process of gathering information.

Courtney Satz felt this issue affects everyone and is now a Brandon town issue. They live on Woods Lane and are accustomed to noise on Route 7, but they have neighbors with extremely loud cars. This also needs to address barking dogs and fireworks and she would like the discussion to move from a gun issue. She sees this as a quality of life issue and would like to believe the Town values the importance of citizens who have peacefully tried to work with neighbors on issues. There are courteous neighbors and she applauds them, but there are neighbors that are not willing to work and flat out refuse. She thinks it is time for the Town to adopt a noise ordinance.

Annie Stratton stated she has lived in Brandon for almost 20 years and is the most urban area she has lived in, and also the noisiest. She was happy when she moved here but is deeply disappointed in some things that are not right. Talking about a few people controlling the lives of a lot of people is what is going on right now. This last year has been fairly quiet due to COVID, but as soon as the weather has turned, the noise has come back, but not just guns. She does hear target shooting on Carver Street, but she has a neighbor who turns their radio on loudly and she can feel the vibration on her windows. She, like Ms. Breyer, has PTSD and neurological issues aggravated by COVID. There are cars that go by with bad mufflers and people who put on fireworks displays for any excuse. She noted she is still shaky from this afternoon from the loud radio next door. It is not about guns and she does not want to see someone make it about guns. There are probably guns that play a role, but this is about quality of life and her ability to sit in her living room and listen to the music that she wants to hear. Set the gun thing aside as it is irrelevant in this context. There was previously a noise discussion in Town due to the large trucks, bad mufflers, and motorcycles. The fireworks and loud parties at night diminishes what Brandon is and she sometimes has to shut her windows and doors on hot days because it is so noisy.

Kerri Quinn thanked the Select Board for conducting this hearing. She had provided a letter two weeks ago and wanted to elaborate on it. She stated there may be differences between more dense and rural areas, but she lives in a dense area and could use a noise ordinance there. She would rather not have to use it but would like to have it in place. It has come to a point where we are growing as a community and she wonders if neighbors do not understand living in a residential area and suggested that perhaps it could be clarified in a public way.

Tim Kingston asked what an acceptable threshold would be for everyone. He is an avid shooter and business owner. He is not anti-sports or having fun but there needs to be a decent medium of where things will be respectable and he does not know who will be determining that. We have a state noise ordinance that kicks in at 10PM.

Doug Bailey stated it is interesting listening to everyone and he feels there are those who have valid concerns about noise. Where he lives, he probably makes a lot of noise and his neighbors make a lot of noise but they are able to self-regulate and he thinks that is the best way. His biggest concern is enforcement of this ordinance and sees the Police Department being called out

numerous times a day and this could be an enforcement nightmare. There are a lot of shooters in his area all of the time and he finds them to be cordial people. He would complain more about dirt bikes and 4-wheelers and he thinks there are regulations in place that indicate they need to be on their own land. There is already some regulation in place for that and yet it is an area that we can't seem to enforce. Putting a policy in place would be silly if it cannot be enforced.

Derek Gregorik of High Pond Road is a recreational shooter as many of his neighbors are and stated there are times that he shoots larger calibers, outside of 22s. It does not happen all of the time as it is being portrayed by others. They moved to the High Pond area 13 years ago to enjoy riding ATVs and shooting guns. The shooting noise is being blown out of proportion and it does not happen all of the time.

Neil Silins agreed with Doug Bailey that enforcement of any noise ordinance is going to be difficult. Without carrying the firearms too far, if you create a lot of unwanted noise, it is really an assault on that person. It is an assault combined with a lack of understanding and compassion.

Jan Coolidge stated it is being considerate and respectful of your neighbors. You should be able to talk with your neighbors and you shouldn't need a policy.

Tanya Carmichael also lives on High Pond and her husband is a gun owner and shoots. She agreed you should be able to shoot on your own property. He does occasional shooting and she thinks that people should just respect their neighbors.

Lindsey Berk stated people are not listening to what people have said. They have tried to have discussions with their neighbors but they don't want to listen. We need to have some sort of policy so that we all can have our property rights protected, as she does not think going to talk to your neighbor can be a solution. They are getting hostility when talking to their neighbors and people need to listen to each other.

Natalie Steen wrote: *"I fully support a noise ordinance. Not all neighbors are respectful unfortunately. Noise is a sense of place and aesthetics issue as well. Noise can be incorporated in the zoning regulations so that it is tailored to each district, and I highly recommend this approach. It doesn't have to be a one size fits all approach."*

Sara Stevens stated it is unfortunate for some individuals that are experiencing some frustrations, regardless of the noise. She is pleased that they have courteous neighbors. She does not have an answer for those situations where people have gone to their neighbors to ask for a change, but we need to be careful as a community as there is a fine line to be cautious of. We don't need a law based on a few individuals in town that are rude, disrespectful, and loud. It is not fair for her neighborhood to be punished based on others' actions.

Annie Stratton stated years ago when this was an issue she did research in looking at a town ordinance and there are some things that relate to noise. One had to do with the decibel level of noise and for a while the police were checking serious situations. There were some people that were well over the decibel level. About the same time the DMV issued a statewide memo that automobiles with bad mufflers were part of the law enforcement officials' duty to check vehicles

to assure they met the requirements of the DMV. There are things like that scattered throughout the laws that are there to protect the citizens of Brandon and Vermont. For a while things did improve, but because it is scattered in the laws it has diminished. The advantage of having an ordinance lays out a common sense of responsibility. We know that most neighbors are very quiet and friendly. What we get by having an ordinance is working together, sharing, talking, and having a common sense of what is acceptable and expected, and what everyone's responsibilities are towards one another. This is why we have this process so that we can find areas of agreement and areas where there is resistance and maybe think to what degree is your right that hinges on someone else's' quality of life. Ms. Stratton thought an ordinance is needed due to the fact the issue has come up again, and it is not about guns. All the other things are part and parcel about living together as neighbors so that we have that common understanding. We should not have to address our neighbors.

Jessica Doos wrote: *"One neighbors right to make noise does not trump another's to enjoy some quiet. If neighbors cannot come to agreement, we need ordinance town can enforce on the books."*

Allie Breyer stated it would be her dream to have this done in a neighborly way and not have the neighbor shoot assault weapons at night. She is not against guns. She is asking if we can't be neighborly, the Town should be able to step in. When our property abuts another property and there is gun shooting in the middle of the night, it is a safety issue as we could be walking on our property. If the neighborly thing is not working, there is a need for an ordinance and this is far beyond guns when there are other huge noise issues that are plaguing other people in town.

Tim Kingston agreed it is a slippery slope when having a fast and hard policy. They have tried to talk with their neighbors but it does not register though unfortunate. It has started to affect their business when riding at their facility as people cannot hear clear instructions. This is not a gun thing as he is a gun owner but is about common sense language that everyone can agree to.

Neil Silins stated with regard to enforcement, he pictures police cars having sound levels on their cars which he has a really hard time with. If the ordinance is made into law, it would not affect everyone all the time, only serious violations and would impact someone who is making noise. Most of the time it would not be an ordinance that would affect everybody, only in the case of a lack of consideration to others.

Greg and John Gearwar wrote: *"As a resident on High Pond Road, I own an ATV and am an avid hunter. I have permission from the landowners to either hunt or ride and I respect my neighbors. I feel this noise ordinance will not benefit everyone. A handful of disrespectful people can ruin a lot. There are a lot more respectful people than disrespectful people."*

Natalie Steen wrote: *If a person is being respectful, has permission, talks to their neighbors, etc, a noise ordinance would have no affect on that person.*

Lindsey Berk stated in regard to enforcement, there are many towns in Vermont that have a noise ordinance and it should not be an issue.

Claire Astone stated people that own property are blessed to have it. Unless you live on an island, we all have to figure out how to live together and the more neighbors you have, there are more considerations to be made. She thinks it is nice she has neighbors and there is someone with a lung issue in the vicinity of their home and she can't have a fire pit, but so be it. We have to accommodate each other.

Annie Stratton thanked the Select Board for recognizing that people care about this and for making this a forum to feel comfortable about talking about their concerns. she appreciated it very much.

Allie Breyer wrote: *"Yes, thank you for listening."*

Seth Hopkins stated the Select Board will take all comments that have come in during the hearings and all comments submitted in writing will be compiled by the Town Manager and distributed to the Select Board and will be available as a public document. There will be no board action at the Select Board meeting following the hearing. The Board will review all comments and will have a future discussion at the next regularly scheduled meeting on April 12th. The Board very much appreciated everyone's contributions on this subject.

The hearing closed at 7:00PM.

Respectfully submitted,

Charlene Bryant
Recording Secretary

**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 8th and March 15th, 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 Preadseau, 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 13th:

"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 3rd 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 6th 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 17th. **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

Town Manager Report for the week of March 22nd, March 29 and April 5th, 2021

- Segment Six sidewalk repairs/replacement will start the week of April 19th. We will also be going over punch list items in preparation for a final walk through.
- We have been awarded \$300,000.00 through the VTrans Transportation Alternatives Program to replace the sidewalks on Union Street from Hannaford's to the rail crossing.
- An Invitation to Bid has been sent out for the construction of the bioswales in the parking area behind Café Provence and Pearl Street. This is 100% grant funded by NRCS.
- I have had a few meetings with N.E. Woodcraft, NRCS and Watershed Consulting to discuss and design a stormwater filtration system for the run off on their property located on North Street. Their property falls under the new 3 acre commercial stormwater regulations that are soon to be enacted. We are looking at grant options for Woodcraft in getting this project funded.
- I have submitted all of the required documentation for the grant closeout on the EVSE grant used for the charger installation at the Conant Square parking area.
- Attended an Emergency Management "Hot Topic" meeting that discussed best management practices for roadsides and municipal right-of-ways. The majority of the discussion focused on healthy tree canopy, diverse plant habitat and safe roadways.
- Attended RRTC meeting on March 25th. There was a presentation by a Rutland HS student of the future of Hydrogen vehicles and the new VTrans ranking system for regional State highway projects.

Rec. Dept. News:

- We will be offering an Archery Course led by Melinda Hardt at Estabrook on Fridays in May. Ages 7 and up. \$40 for the 4 weeks. Check out brandonvt.myrec.com for more information.
- Miller Amusements, our Carnival Ride Vendor, be able to restart operations in VT after July 4th. Stay tuned for a new Brandon Carnival Date
- Sign-up s for Majors and Minors Softball will be ending on April 14th. T-ball and Mighty Mites will be open Through April 28th. Sign-up today
- We will forgo a Middle School Lacrosse season due to not having a coach.

Other items will be covered in the agenda.

Policy to Avoid Real or Apparent Conflicts of Interest in Board Appointments
TOWN OF BRANDON, VERMONT

The Town of Brandon Conflict of Interest and Ethical Conduct Policy adopted May 13, 2019, per 24 VSA § 2291 (20) remains in force. The Town of Brandon Policy on Filling Vacancies on Boards & Committees and of Appointed Officers & Delegates, adopted February 22, 2021, remains in force.

To further the mission of avoidance of real or apparent conflicts of interest, the Brandon selectboard determines:

- 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 member of a board or commission appointed by the selectboard, or an officer appointed by the selectboard, who then is elected or appointed to the selectboard, must resign their other position upon commencing selectboard service
- 3 That the selectboard will not appoint a second member of the same household to a single board or commission
- 4 That the selectboard may waive this policy and make any appointment that it determines to be in the best interest of the Town, or decline to make an appointment.

ADOPTED: _____

Signatures

Date

PURCHASE AND SALE CONTRACT

between

Trevor Bergevin (Purchaser)

and

The Town of Brandon, Seller

This is a legally binding contract. If not understood, seek competent legal advice.

The undersigned Purchaser hereby offers and agrees to purchase the property described in Paragraphs 3 and 4 below (hereinafter "the Property"), upon the terms and conditions stated herein. Purchaser reserves the right to withdraw this offer at any time prior to Seller's acceptance. Once Seller accepts the offer by signing this Contract and providing a copy of the fully signed Contract to Purchaser, this shall constitute the parties' legally binding contract for the purchase and sale of the Property. The "Contract Date" shall be the date on which the last of the parties has signed this Contract.

1. **Purchaser:** Trevor Bergevin

Address: 9 Longswamp Road, Brandon, VT 05733

Phone Number: _____ 8027798300 _____

E-mail: _____ trevorbergevin@gmail.com _____

Purchasers' Attorney: _____

2. **Seller:** *Town of Brandon*

Address: 49 Center Street, Brandon, VT 05733

Phone Number: (802) 247-3635 x 210

E-mail: *datherton@townofbrandon.com*

Seller's Attorney: Constance Tryon Pell, Esq.
Carroll, Boe, Pell & Kite, PC
64 Court Street, Middlebury, VT 05753
(802) 388-6711
cpell@64court.com

3. **Address Of Property:** Two (2) parcels of land located in Brandon, Vermont, and being all and the same lands and premises conveyed to the Town of Brandon by the following deeds: Parcel A: Tax Deed of Elizabeth C. Unger, Town Constable and Collector of Taxes, in and for

the Town of Brandon, dated March 29, 1960, and recorded in the Brandon Land Records in Book 75 at Page 284 (being the second Deed on that Page); and Parcel B: Being "Parcel 1" in a Tax Deed of Elizabeth C. Unger, Town Constable and Collector of Taxes, in and for the Town of Brandon, dated March 29, 1960, and recorded in the Brandon Land Records in Book 75 at Page 286.

4. **Property Description:** Parcel A: 16+/- acres of landlocked, undeveloped land depicted on the Town of Brandon tax map as Parcel #9-1-23; and Parcel B: 10+/- acres of landlocked, undeveloped land depicted on the Town of Brandon tax map as Parcel #9-1-23.
5. **Total Purchase Price:** Three Hundred U.S. Dollars (\$300.00).
6. **Earnest Money Deposit:** None.
7. **Closing:** Closing shall be held within one week of Seller's satisfaction of Special Condition 8.A. as stated herein, at the offices of Purchaser's attorney within the State of Vermont, unless otherwise agreed upon by the parties. The parties agree that time is of the essence with regard to the Closing Date.
8. **Special Conditions:** This Contract is subject to the following contingencies and special conditions. If any party terminates in accordance with the terms of one or more contingencies, the parties shall have no further obligations to each other. Failure of a party to comply with the deadlines set forth in any contingency shall constitute a waiver of that contingency by that party.
 - A. **Notice of Proposed Sale/Voter Approval.** The sale is subject to the Seller posting and publishing a Notice of the Proposed Sale at the Brandon Town Clerk's Office for a period of 30 days pursuant to 24 V.S.A. §1061(a)(1), and securing the statutorily required voter approval of the sale thereafter, if necessary. Seller shall promptly post and publish said Notice as soon as this Purchase and Sale Contract is signed by all parties.
9. **Fixtures And Personal Property:** None.
10. **Examination Of Title:** Following execution of this Contract, Purchaser shall cause the title to the Property to be examined promptly at Purchaser's own expense.
11. **Possession:** Possession shall be given on the Closing Date.
12. **Payment Of Purchase Price:** The entire purchase price is due at closing and is to be paid in cash, certified check, cashier's check, or attorney's trust account check.
13. **Deed:** The parties recognize that Seller acquired the Property by Tax Deed; at closing, Seller shall give to Purchaser a Vermont Quit Claim Deed, furnished and paid for by Seller. The Quit Claim Deed shall contain the following **AS IS** language:

“The transfer of the Property is AS-IS, WHERE-IS, with the Grantee taking all defects and risks associated with or connected to the Property, including but not limited to all risks associated with the following:

- a. Subject to the rights of redemption(s) any party or entity has in and to the Property.
- b. Subject to such facts as an accurate survey and physical inspection of the premises may reveal.
- c. Subject to easements, restrictions, agreements and all documents of record, if any.
- d. Subject to the rights of tenants and other occupants, if any.
- e. Subject to state and municipal ordinances, statutes and regulations, including zoning ordinances.
- f. Subject to all liens of record not foreclosed, equitable or otherwise, whether or not filed.
- g. Subject to all violations, if any, of environmental laws, rules, and regulations of the State of Vermont, the United States of America, and any political subdivision thereof, whether or not of record.
- h. Subject to any defects or problems associated with the real estate or any improvements thereon.
- i. Subject to all violations, if any, other than environmental in nature, of laws, rules and regulations of the State of Vermont, the United States of America, and any political subdivision thereof, whether or not of record.
- j. Subject to prior mortgages and liens of record, if any.

By acceptance of this deed, GRANTEE agrees to purchase and accept the Property in “AS IS” condition existing as of the date of delivery of this quit claim deed, with all faults, notwithstanding the possible existence of hidden defects or other matters not visible or ascertainable from an inspection and GRANTEE hereby expressly assumes the risk of any and all defects in the Property, including a possible lack of access for ingress and egress. GRANTEE fully understands that GRANTOR has made no warranties or representations, express or implied, pertaining to the Property, the condition thereof, the condition of the structures and improvements thereon, or any other matter pertaining thereto, including but not limited to matters relating to boundaries, acreage, access or compliance with state and local land use, subdivision, zoning, health, public buildings, water supply, wastewater disposal, environmental laws, and environmental conditions or hazards on the Property, the availability of permits, licenses, zoning, variances, certificates of occupancy, or any other matters pertaining to the condition or use of the Property. Expressly excluded from application are all warranties of merchantability, fitness for any particular purpose, habitability, or any other warranties express or implied at law. Further, GRANTEE expressly disclaims any and all warranties pertaining to, and concerning, the applicability of state and local laws, rules and regulations concerning the ownership, use and occupancy of the Property, including, but not limited to such laws, rules and regulations concerning state and

local land use, subdivision, zoning, health, public buildings, water supply, wastewater disposal, onsite sewage disposal, and the compliance of the Property with the same and the existence, status and availability of all permits, licenses, approvals, and certificates of occupancy applicable to the Property, and the compliance of the Property with the same. GRANTEE acknowledges that GRANTOR has no responsibility to GRANTEE for any hazardous waste, asbestos, oil, petroleum waste, lead paint, urea formaldehyde and other liability causing substances on, under or emitting from the Property.

The Property is conveyed subject to all legally enforceable easements, rights-of-way, rights of travel along public ways, covenants, conditions, declarations, land use, subdivision, occupancy, municipal and other permits, and other restrictions of record to the extent not otherwise extinguished by the Vermont Marketable Record Title Act (27 V.S.A. §601-604).”

14. **Property Transfer Tax**: Purchaser shall be responsible for paying any Vermont Property Transfer Tax due on this transaction.
15. **Land Gains Tax**: Seller shall be liable for any Vermont Land Gains Tax due on account of this sale. If Seller is unable to provide satisfactory proof that no land gains tax is due, then Seller acknowledges that Purchaser must withhold 10 percent of the purchase price at closing unless Seller obtains a certificate from the Vermont Department of Taxes authorizing a reduced withholding amount.
16. **Default**: If Purchaser shall fail to complete said purchase as provided herein, or is otherwise in default, Seller may terminate this Contract and may pursue Seller's rights to all legal and equitable remedies provided by law.

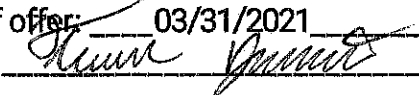
If Seller shall fail to complete said sale as provided herein, or is otherwise in default, Purchaser may terminate this Contract, and may pursue Purchaser's rights to all legal and equitable remedies provided by law.

In the event legal action is instituted arising out of a breach of this contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs.

17. **Risk Of Loss/Insurance**: During the period between the date of this Contract and the transfer of title, the risk of loss shall be on Seller and Seller shall continue to carry the fire and extended coverage insurance presently maintained on the buildings on the Property (or, upon the written request of Purchaser, and at Purchaser's expense, in such greater amount as Purchaser may reasonably request). In the event that any of the said buildings are destroyed or damaged and are not restored to their present condition by the date set for closing, Purchaser may either accept title to the Property and receive the benefit of all insurance monies recovered on account of such destruction or damage, or terminate this Contract.

18. **Closing Adjustments**: Property taxes, water, sewer, and other municipal charges, as well as association dues and other similar charges, shall be prorated between the parties as of the closing date. If any tax, charge or rate is undetermined on the date of closing, the last determined tax, charge or rate shall be used for the purpose of proration.
19. **Notice**: Any notice required by this agreement must be given in writing, either by mailing, overnight delivery, electronic mail, or hand-delivery. Notice will be effective as of the date actually received by the other party.
20. **Local and State Regulations**: The parties hereby acknowledge that Seller has advised Purchaser that local and state building regulations, zoning regulations, and subdivision regulations and wastewater system and potable water supply rules under Chapter 64 of Title 10 pertaining to the Property may limit significantly the use of the Property.
21. **No Broker**: The parties hereby acknowledge that no real estate broker or other similar party is entitled to a commission on account of this transaction.
22. **Binding Effect**. This Contract shall inure to the benefit of and be binding upon each of the parties hereto and their respective heirs, successors, administrators, executors and assigns.
23. **Entire Agreement**. This Contract contains the entire agreement by and between the parties hereto, superseding any and all prior agreements, written or oral, affecting said Property.
24. **Miscellaneous**. This Contract shall be governed by the laws of the State of Vermont. Any legal action arising out of this Contract shall be brought in the Vermont Superior Court in the county where the Property is located. Electronic copies and facsimile communications of this Contract will be considered binding by the parties to the same extent as original documents.
25. **Modification And Amendment**: No modification, amendment or deletion affecting this Contract shall be effective unless in writing and signed by all parties.

Purchaser hereby offers and agrees to purchase the above-described Property at the price and upon and subject to the terms and conditions of this Contract. Purchaser acknowledges receipt of a copy of this Contract.

• Date of offer: 03/31/2021


Trevor Bergevin – Purchaser

Seller hereby accepts the offer set forth above and agrees to sell the above-described Property, at the price and upon and subject to the terms and conditions of this Contract. Seller acknowledges receipt of a copy of this Contract.

Town of Brandon - Seller
By: BRANDON SELECTBOARD

BY: _____
Seth Hopkins, Chair Date _____

Tracy Wyman, Vice-Chair Date _____

Tim Guiles Date _____

Brian Coolidge Date _____

Mike Markowski Date _____

TOWN OF BRANDON

**NOTICE OF TERMS OF PROPOSED REAL ESTATE CONVEYANCE
PURSUANT TO 24 V.S.A. §1061(a)(1)**

The Town of Brandon hereby provides notice of the terms of a proposed conveyance of real estate owned by the Town of Brandon pursuant to 24 V.S.A. §1061(a)(1). The terms of the conveyance are set forth in a Purchase and Sale Agreement by and between The Town of Brandon (the "Seller") and Trevor Bergevin (the "Purchaser"), a copy of which is posted and available for review at the Brandon Town Offices located at 49 Center Street, Brandon, Vermont. The terms of the Purchase and Sale Agreement include the following:

Description of Property: Two (2) parcels of land located in Brandon, Vermont, and being: Parcel A: 16 +/- acres of landlocked, undeveloped land depicted on the Town of Brandon tax map as Parcel #9-1-23, being all and the same lands and premises conveyed to the Town of Brandon by a Tax Deed of Elizabeth C. Unger, Town Constable and Collector of Taxes, in and for the Town of Brandon, dated March 29, 1960, and recorded in the Brandon Land Records in Book 75 at Page 284 (being the second Deed on this page); and Parcel B: 10 +/- acres of landlocked, undeveloped land depicted on the Town of Brandon tax map as Parcel #9-1-23, being "Parcel 1" conveyed to the Town of Brandon by a Tax Deed of Elizabeth C. Unger, Town Constable and Collector of Taxes, in and for the Town of Brandon, dated March 29, 1960, and recorded in the Brandon Land Records in Book 75 at Page 286.

Purchase Price: Three Hundred U.S. Dollars (\$300.00).

Closing Conditions: Specific terms of the conveyance can be obtained by reviewing a copy of the Purchase and Sale Agreement, or by contacting the Brandon Town Clerk, Sue Gage, at 802-247-3635.

Notice is hereby provided, pursuant to 24 V.S.A. §1061(a)(2) that:

If a petition signed by five percent of the legal voters of the municipality objecting to the proposed conveyance is presented to the municipal clerk within 30 days of the date of posting and publication of the notice required by subdivision (1) of this subsection, the legislative body shall cause the question of whether the municipality shall convey the real estate to be considered at a special or annual meeting called for that purpose. After the meeting, the real estate may be conveyed unless a majority of the voters of the municipality present and voting vote to disapprove of the conveyance.

Notice is also hereby provided that unless a petition is filed in accordance with 24 V.S.A. §1061(a)(2) as stated above, the Brandon Selectboard will be authorized to proceed with the conveyance on the terms set forth in the Purchase and Sale Agreement.

Respectfully submitted,

BRANDON SELECTBOARD

BY:

Seth Hopkins, Chair

Date

Tracy Wyman, Vice-Chair

Date

Tim Guiles

Date

Brian Coolidge

Date

Mike Markowski

Date

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Selectboard

OF THE Town of Brandon

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Wastewater Treatment Facility Upgrades

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Brandon

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Three Million Seven Hundred Eighty Thousand & 00 100

pursuant to the provisions of Vermont State Statutes

; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

04/09/21
12:37 pm

TOWN OF BRANDON Accounts Payable
Check Warrant Report # 63460 Current Prior Next FY Invoices
All Invoices For Check Acct 01(10 General Fund) 04/12/21 To 04/12/21

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Jacolyn

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
310184	04/05/21	box trailer rental 16474	10-5-18-20500 Storage Unit Supply/Maint	150.00	49506	04/12/21
200263	04/01/21	WWTF Refurb 79780	20-5-60-20120 Engineering	4505.50	49507	04/12/21
200263	04/01/21	Sewer System-Mapping 79788	20-5-60-20150 Sewer Mapping	4072.18	49508	04/12/21
100015	03/25/21	chlorine 111521195001	20-5-55-50120 Sodium Hypochorite	686.40	49509	04/12/21
310590	04/08/21	MARCH 6000	10-5-22-43100 Town Office	50.00	49510	04/12/21
311015	03/19/21	pants 94132	10-5-14-10320 Clothing Allowance	196.00	49511	04/12/21
100305	03/23/21	AED batteries 03/23/21	10-5-14-30120 Professional Supplies	372.50	49512	04/12/21
100275	04/08/21	appropriation APRIL 2021	10-5-25-70470 Brandon Library	7666.67	49513	04/12/21
100280	03/22/21	parts for trackless broom 877512/3	10-5-15-41160 HW Maint. Supplies-Vehicl	2.66	49514	04/12/21
100280	03/22/21	cement, primer 877523/3	10-5-22-43080 Highway Bldg Maint	12.18	49514	04/12/21
100280	03/22/21	fasteners 877527/3	10-5-15-45120 Signs & Posts	6.32	49514	04/12/21
100280	04/01/21	trash bags 878533/3	10-5-18-30070 Little League Expenses	13.99	49514	04/12/21
100280	04/09/21	trash bags 879944/3	10-5-22-43170 Trash costs-Transfer Stat	30.17	49514	04/12/21
200218	03/31/21	WW envir,bid, hearing,Rec 3/31/21	10-5-10-30310 Legal Advertising	182.00	49515	04/12/21
200218	03/31/21	WW envir,bid, hearing,Rec 3/31/21	20-5-60-20030 Legal Ads	318.50	49515	04/12/21
200218	03/31/21	WW envir,bid, hearing,Rec 3/31/21	10-5-18-10330 Advertising/Recruitment	290.00	49515	04/12/21
100310	04/08/21	appropriation APRIL 2021	10-5-25-70480 Senior Citizen Center	1125.00	49516	04/12/21
301503	03/16/21	heating fuel @ Town Hall 489914	10-5-22-42110 Heating Fuel	251.10	49517	04/12/21
301503	03/16/21	heating fuel @ Highway 490171	10-5-22-42110 Heating Fuel	317.14	49517	04/12/21
301503	03/16/21	diesel fuel 490583	10-5-15-41130 Fuel - Vehicles HW	813.29	49517	04/12/21
301503	03/17/21	gasoline 490977	10-5-14-41130 Fuel - Vehicles	616.11	49518	04/12/21
301503	04/01/21	gasoline 491832	10-5-14-41130 Fuel - Vehicles	454.51	49519	04/12/21
301503	03/23/21	diesel fuel 491896	10-5-15-41130 Fuel - Vehicles HW	626.69	49520	04/12/21
301503	04/02/21	heating fuel @ HWY 491897	10-5-22-42110 Heating Fuel	261.19	49520	04/12/21
301503	03/30/21	diesel fuel 492627	10-5-15-41130 Fuel - Vehicles HW	413.20	49520	04/12/21

04/09/21
12:37 pm

TOWN OF BRANDON Accounts Payable
Check Warrant Report # 63460 Current Prior Next FY Invoices
All Invoices For Check Acct 01(10 General Fund) 04/12/21 To 04/12/21

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Jacolyn

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
300755	03/30/21	drain cleaner 7313517	20-5-55-51310 Collection Systems	313.96	49521	04/12/21
311019	03/18/21	fixed computer issues 5412	10-5-10-30134 Technical Support	112.50	49522	04/12/21
310703	03/15/21	online credit card system 17501	10-5-18-30060 Basket Ball Expense	9.65	49523	04/12/21
310097	03/27/21	service: 04/04 - 05/03 PD 03/27/21	10-5-14-42100 PD Telephone Service	309.71	49524	04/12/21
310097	03/27/21	service 04/04/ - 05/03 TO 03/27/21	10-5-10-42100 Telephone Exp. Admin.	606.35	49525	04/12/21
310097	03/21/21	service: 03/28 - 04/27 WW 03/21/21	20-5-55-42100 Wastewater Telephone	190.64	49526	04/12/21
310037	04/06/21	service: Mar 06 to Apr 05 HWY 04/06/21	10-5-15-42100 HW Telephone	93.68	49527	04/12/21
310177	04/08/21	april host fee 139497	10-5-13-30123 Records Preservation	250.00	49528	04/12/21
311053	04/08/21	BOA CREDIT 0082-2330	10-2-00-02120 Anticipated Tax Credits	1099.45	49529	04/12/21
100456	03/29/21	S6 CI Progress rpt #91 321161	46-5-50-61200 RT 7 C.I. - Construction	4471.29	49530	04/12/21
100494	03/26/21	testing 365706	20-5-55-22120 Testing	75.00	49531	04/12/21
100494	03/30/21	testing 365960	20-5-55-22120 Testing	278.25	49531	04/12/21
100494	04/02/21	testing 366742	20-5-55-22120 Testing	25.00	49531	04/12/21
300187	03/31/21	3/4 minus and plant mix 229702	10-5-15-46140 Gravel	7716.25	49532	04/12/21
101011	03/25/21	paper towels, tissue 406189	10-5-22-43180 Maint. Supplies Bldgs.	274.97	49533	04/12/21
310426	03/29/21	propane @ WW main garage 36654	20-5-55-42110 LP Gas - Bldgs	107.97	49534	04/12/21
310426	04/05/21	propane WW supply garage 38034	20-5-55-42110 LP Gas - Bldgs	63.95	49534	04/12/21
310426	03/15/21	propane @ Town Office 39273	10-5-22-42100 Heating - Propane	173.82	49534	04/12/21
310426	03/15/21	propane - WW generator 39896	20-5-55-42110 LP Gas - Bldgs	332.17	49534	04/12/21
100645	03/16/21	socket assembly 69098	10-5-14-41180 PD Vehicle Maintenance	461.53	49535	04/12/21
100650	03/17/21	belt 017905243	10-5-14-10320 Clothing Allowance	19.98	49536	04/12/21
100650	03/22/21	boots, belts, name plate 017940646	10-5-14-10320 Clothing Allowance	150.67	49536	04/12/21
100725	03/18/21	battery for loader 164752	10-5-15-41160 HW Maint. Supplies-Vehicl	257.48	49537	04/12/21
100725	03/29/21	fitting, hose 165200	10-5-15-41160 HW Maint. Supplies-Vehicl	257.76	49537	04/12/21
300600	03/31/21	sodium bisulfite 8237	20-5-55-50140 Sodium Bisulfite	1944.38	49538	04/12/21

04/09/21
12:37 pm

TOWN OF BRANDON Accounts Payable
Check Warrant Report # 63460 Current Prior Next FY Invoices
All Invoices For Check Acct 01(10 General Fund) 04/12/21 To 04/12/21

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Jacolyn

Vendor	Invoice Date	Invoice Description	Account	Amount Paid	Check Number	Check Date
100792	03/31/21	HULBERT SUPPLY CO INC water heater XC010823	20-5-55-41110 New Equipment-Misc Tools	439.08	49539	04/12/21
301025	03/26/21	IMPACT FIRE SERVICES LLC TO annual fire ext maint 8992895	10-5-22-43100 Town Office	115.00	49540	04/12/21
301025	03/29/21	IMPACT FIRE SERVICES LLC TH annual fire ext maint 9013666	10-5-22-43150 Town Hall Repair/Maint.	38.25	49540	04/12/21
100811	03/11/21	INITIAL IDEAS name plate 53182	10-5-14-30110 Office Supplies	9.00	49541	04/12/21
310552	03/29/21	INNOVATIVE SURFACE SOLUTI Proguard Mag INV59250	10-5-15-46150 Chloride	4269.55	49542	04/12/21
101032	04/05/21	MACHAIN, JEFFREY reimburse for clothing APR2021	10-5-15-10320 Clothing Allowance	71.48	49543	04/12/21
301084	03/22/21	MARKSEPOWERS LLP mediation re: Brookdale MARCH2021	10-5-10-21110 Legal Services	1360.00	49544	04/12/21
310630	03/05/21	MASTERCARD gun slings, batteries 60700	10-5-14-30120 Professional Supplies	37.73	49545	04/12/21
310630	03/03/21	MASTERCARD Acrobat Pro DC 61436	10-5-10-30210 Office Equipment	436.30	49545	04/12/21
310630	03/08/21	MASTERCARD ketch & release pole 61437	10-5-10-91000 Animal Control Expenses	128.94	49545	04/12/21
310630	03/17/21	MASTERCARD video conf-annual subscri 61438	10-5-10-30130 Service Contracts	258.33	49545	04/12/21
310630	03/29/21	MASTERCARD Pre-stamped envelopes 61439	10-5-10-30132 Postage Expenses	1969.75	49545	04/12/21
310843	11/21/20	MISSION COMMUNICATIONS, L service package Brookdale 1046107	20-5-55-20240 Contractors	347.40	49546	04/12/21
310843	04/01/21	MISSION COMMUNICATIONS, L service package Neshobe 1050418	20-5-55-20240 Contractors	347.40	49546	04/12/21
301033	03/29/21	MOMAR INC degreaser PSI389445	20-5-55-51230 Outside Equip. - Pump St.	373.73	49547	04/12/21
301083	04/02/21	MVP SELECT CARE INC March 2021 - HRA 2021-03	20-5-55-10218 HRA WW	5.00	49548	04/12/21
301083	04/02/21	MVP SELECT CARE INC March 2021 - HRA 2021-03	10-5-22-10218 HRA	2.50	49548	04/12/21
301083	04/02/21	MVP SELECT CARE INC March 2021 - HRA 2021-03	10-5-18-10218 HRA	2.50	49548	04/12/21
301083	04/02/21	MVP SELECT CARE INC March 2021 - HRA 2021-03	10-5-15-10218 HRA HW	7.50	49548	04/12/21
301083	04/02/21	MVP SELECT CARE INC March 2021 - HRA 2021-03	10-5-14-10218 HRA FD	10.00	49548	04/12/21
301083	04/02/21	MVP SELECT CARE INC March 2021 - HRA 2021-03	10-5-13-10218 HRA	5.00	49548	04/12/21
301083	04/02/21	MVP SELECT CARE INC March 2021 - HRA 2021-03	10-5-10-10218 HRA Admin	5.00	49548	04/12/21
310795	03/24/21	NATIONAL BUSINESS TECHNOL service contract copiers IN415041	10-5-10-30130 Service Contracts	90.00	49549	04/12/21
310795	03/24/21	NATIONAL BUSINESS TECHNOL service contract printers IV415040	10-5-10-30130 Service Contracts	65.70	49549	04/12/21
100788	03/31/21	NEW ENGLAND MUNICIPAL RES Joe: March 15, 18 & 22 47875	10-5-11-22140 Property Assessor	1710.00	49550	04/12/21

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Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
100788	03/31/21	David: March 16th 47876	10-5-11-22140 Property Assessor	522.50	49550	04/12/21
100788	04/02/21	Lisa: 9/1/20 - 12/31/20 47879	10-5-11-22140 Property Assessor	4987.50	49550	04/12/21
100788	04/02/21	Lisa: 1/1/21 - 3/31/21 47880	10-5-11-22140 Property Assessor	5177.50	49550	04/12/21
100788	04/05/21	David: March 30th 47885	10-5-11-22140 Property Assessor	660.00	49550	04/12/21
310081	03/11/21	WW RF1-159 CWSRF-#2 3/11/21	20-5-55-61020 2012 WW CWSRF RF1-159	2158.30	49551	04/12/21
100274	04/09/21	postage/ elections/zoning APRIL 2021	10-5-13-20010 Elections	54.55	49552	04/12/21
100274	04/09/21	postage/ elections/zoning APRIL 2021	10-5-12-30132 Planning/Zoning Postage	5.28	49552	04/12/21
310736	04/06/21	pest control: storage 16076	10-5-18-20500 Storage Unit Supply/Maint	50.00	49553	04/12/21
310736	04/06/21	pest control: Town Office 16077	10-5-22-43100 Town Office	70.00	49553	04/12/21
310736	04/06/21	pest control: Town Hall 16078	10-5-22-43150 Town Hall Repair/Maint.	40.00	49553	04/12/21
310736	04/06/21	pest control: Police Dept 16079	10-5-22-43090 PD Bldg Maint.	65.00	49553	04/12/21
100478	03/22/21	fire alarm inspection/FO 677549	10-5-22-43100 Town Office	410.60	49554	04/12/21
300375	03/29/21	Feb sludge processing 28762SLUDG	20-5-55-50160 Sludge Disposal	4462.50	49555	04/12/21
310921	03/29/21	March FR consult fee 1089	10-5-10-30130 Service Contracts	360.00	49556	04/12/21
310921	04/05/21	Q1 reporting-Consult fee 1092	10-5-10-30130 Service Contracts	135.00	49556	04/12/21
200277	03/06/21	brake repair 6576	10-5-14-41180 PD Vehicle Maintenance	243.32	49557	04/12/21
100729	04/08/21	MARRIAGES JAN-MAR APRIL 20201	10-2-00-02113 Marriage Lic. Fees to Sta	100.00	49558	04/12/21
310490	03/15/21	Bond payments-int only MAY 2021	10-5-19-60500 2016 Segment 6 Bond	11091.47	49559	04/12/21
310490	03/15/21	Bond payments-int only MAY 2021	20-5-55-60800 USDA Bond Loan #8 Interes	386.40	49559	04/12/21
310490	03/15/21	Bond payments-int only MAY 2021	20-5-55-61000 USDA Bond Loan #9 Interes	6658.89	49559	04/12/21
310490	03/15/21	Bond payments-int only MAY 2021	10-5-19-48140 RT 7 Town Share -2006	18630.00	49559	04/12/21
310490	03/15/21	Bond payments-int only MAY 2021	10-5-19-60410 PD Bond Payment	3907.80	49559	04/12/21
100630	04/09/21	stamp order 4/9/21	10-5-10-30132 Postage Expenses	550.00	49560	04/12/21
330348	03/13/21	service: Feb 14 - Mar 13 9875509130	10-5-15-42100 HW Telephone	40.48	49561	04/12/21
330348	03/13/21	service: Feb 14 - Mar 13 9875509130	10-5-14-42100 PD Telephone Service	40.48	49561	04/12/21

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Vendor	Invoice Date	Invoice Description	Account	Amount Paid	Check Number	Check Date
330348	03/13/21	VERIZON WIRELESS service: Feb 14 - Mar 13	10-5-21-10310	20.24	49561	04/12/21
		9875509130	Travel & Expenses			
330348	03/13/21	VERIZON WIRELESS service: Feb 14 - Mar 13	10-5-18-42100	20.24	49561	04/12/21
		9875509130	Recreation Telephone			
330348	03/13/21	VERIZON WIRELESS service: Feb 14 - Mar 13	20-5-55-42100	40.48	49561	04/12/21
		9875509130	Wastewater Telephone			
330348	03/22/21	VERIZON WIRELESS service: Feb 23 - Mar 22	10-5-14-20233	240.06	49561	04/12/21
		9876081383	MDT/Aircards			
300382	04/01/21	VLCT EMPLOYMENT RESOURCE Unemployment Ins. Q2-2021	10-5-17-61160	1383.00	49562	04/12/21
		031688-Q2	Worker's Comp Insurance			
300382	04/01/21	VLCT EMPLOYMENT RESOURCE Unemployment Ins. Q2-2021	20-5-55-61150	107.00	49562	04/12/21
		031688-Q2	WW Unemployment			
100146	04/01/21	VLCT PACIF P/C & W/C Ins. Q2-2021	20-5-55-61160	1183.05	49563	04/12/21
		210068-Q2	WW Workers Comp.			
100146	04/01/21	VLCT PACIF P/C & W/C Ins. Q2-2021	20-5-55-61110	4041.75	49563	04/12/21
		210068-Q2	Insurance Expenses			
100146	04/01/21	VLCT PACIF P/C & W/C Ins. Q2-2021	10-5-17-61160	8675.70	49563	04/12/21
		210068-Q2	Worker's Comp Insurance			
100146	04/01/21	VLCT PACIF P/C & W/C Ins. Q2-2021	10-5-17-61110	22467.75	49563	04/12/21
		210068-Q2	VLCT Insurance			
310046	03/17/21	W.B. MASON CO INC legal pads	10-5-14-30110	11.99	49564	04/12/21
		218729179	Office Supplies			
310046	03/18/21	W.B. MASON CO INC tab dividers	10-5-14-30110	5.50	49564	04/12/21
		218758480	Office Supplies			
100409	02/09/21	WATSON-MARLOW, INC. repair of dechlor pump	20-5-55-20240	350.01	49565	04/12/21
		S1152786	Contractors			
100409	02/09/21	WATSON-MARLOW, INC. repair of dechlor pump	20-5-55-43160	2155.30	49565	04/12/21
		S1152786	Maint. Supplies - General			
Report Total				156644.49		

Selectboard

To the Treasurer of TOWN OF BRANDON, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ ***156,644.49
Let this be your order for the payments of these amounts.

