

## **Brandon Select Board Meeting April 26, 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:** Seth Hopkins, Tim Guiles, Mike Markowski, Tracy Wyman, Brian Coolidge – Attended During Executive Session

**Others In Attendance:** Dave Atherton, Barry Varian, Doug Bailey, Wayne Elliott, Judith Schneider, Chris Brickell, Bernie Carr, Butch Shaw, Brent Buehler, Mei Mei Brown, Lee Kahrs

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

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

#### ***a) Agenda Adoption***

**Motion** by Tracy Wyman/Tim Guiles to adopt the agenda, as posted. **The motion passed unanimously.**

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

#### ***a) Select Board Audit Review Meeting – April 12, 2021***

#### ***b) Select Board Meeting – April 12, 2021***

**Motion** by Tracy Wyman/Tim Guiles to approve the minutes of the April 12<sup>th</sup> Select Board Audit Review Meeting and the April 12<sup>th</sup> Select Board Meeting. **The motion passed unanimously.**

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

Dave Atherton provided a report for the weeks of April 12<sup>th</sup> and April 19<sup>th</sup>, 2021:

. The Segment Six sidewalk repairs/replacement started last week on Franklin Street. We are hoping to pour new sidewalk in that section this week (weather permitting).

. The Highway Department has been working on rebuilding the South Entrance to Estabrook Park to comply with VTrans standards. We will also be installing a gate that will remain closed unless there is an event happening at the Park.

. Mr. Atherton has been working on the new Parks Ordinance and has a first draft that he has sent to the Town's attorney for review. Rec Director Moore and Chief Brickell have had input

throughout the process. Mr. Atherton is hoping to have a draft for the Select Board's review at the next meeting.

. Lowell Landscaping was awarded the NRCS bioswale project on Pearl Street and in the Center Street parking lot. They are planning to complete the work in July.

. Mr. Atherton attended the Rutland Regional Planning Commission meeting on April 20<sup>th</sup>. There was discussion on the new 3-acre stormwater rule which we are already working on). The guest speaker was Senator Collamore. There was talk about how the ARPA funds are going to be distributed, which confirmed that there is no definite plan on how that is going to happen.

. Mr. Atherton has sent out a press release to the local newspapers about the recognition we have received from USDA on the WWTP upgrades.

Seth thanked Mr. Atherton for doing the press release and noted it was in the Rutland Herald.

Tim Guiles stated with the Revolving Loan Program, there is the question of whether the Town wants to participate in the WISPr program. Mr. Guiles researched this program and advised it is a way to get more federal money to do natural resource projects. The natural resource projects do not have to be in our community and the Agency of Natural Resources has a list of shelf-ready projects that are looking for money and any municipality has the ability to trigger the WISPr sponsorship. It seems like low hanging fruit that would not cost the Town anything. Wayne Elliott advised the State started this in 2018 and the project may not be located in the Town and the objective is to push the money to groups that do not have bond capacity. The program has been underutilized and Mr. Elliott has not had anyone choose to participate as it is a little more administrative burden on the community. They are running on a limited basis and they are potentially going to phase it out. Mr. Guiles noted the State does the matching of the projects between municipalities and organizations as they need to line up. If the Town says yes, all that would need to be done is to be willing to have our sponsorships available and if there are no projects that line up, the Town will do nothing. Mr. Elliott stated this project is unique in that the Town is using a USDA grant loan for the construction. You would generally check the box when asking for the construction funds and there may not be projects that align as this is more related to the engineering costs. Mr. Guiles stated the WISPr program indicates that projects can be anywhere in the State. Mr. Elliott advised the WISPr program is through the Clean Water SRS program. Butch Shaw stated he would like to obtain more information on this. Mr. Guiles will send the information he researched to Mr. Shaw. Mr. Guiles noted if agreeing to the sponsorship only indicates the Town would be placed on the list, he would like to see the Town do this. Mike Markowski stated if it is not going to cost the Town anything to do this, he would agree to it.

**Motion** by Tim Guiles/Mike Markowski to approve checking the box "yes" for the Water Infrastructure Water Program on the Clean Water Loan application. **The motion passed unanimously.**

Seth Hopkins advised Brian Coolidge posed the following two questions: 1) Is Casella going to be reseeded the grass areas where necessary and is there a timeframe for the work on Park Street

regarding the low manhole cover. Dave Atherton advised reseeding would be done and they will be doing a rebuild of the manhole and repaving around the area.

Doug Bailey asked whether the reseeding would include the Center Street Park due to poor quality grass. Mr. Atherton advised they will be determining what can be reseeded, however, there were events in the parks that trampled the grass and the Town will have to be putting seed down, too.

Bernie Carr asked for an update on Midway and Dunkin Donuts. Mr. Atherton did not wish to speak for the business owner and suggested that they be contacted directly.

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

Tim Guiles stated a letter was sent affirming the transfer of some swamp land. Seth Hopkins advised the letter was addressed to the Select Board and he forwarded the letter to the Town Manager. There are five parcels and they want to donate them to the Nature Conservancy or Department of Wildlife. The Department of Wildlife is asking for a letter from the Select Board. Dave Atherton advised he talked with Joan Allen from Fish and Wildlife and asked if there is policy or practice required from Select Board for this. Ms. Allen indicated there is nothing required from the Department of Fish and Wildlife, but the Governor wants to assure that the Town is not opposed. Ms. Allen can use the official minutes from the meeting indicating whether the Select Board is opposed or not opposed.

**Motion** by Tim Guiles/Mike Markowski to write a letter indicating the Town is not opposed and supports the proposed transfer of lots referenced in the letter from Joan Allen dated April 16, 2021. **The motion passed unanimously.**

Brent Buehler asked, given the decision to maintain the State Noise Ordinance, if the ordinance could be included in the minutes as he was not able to locate it. Seth Hopkins advised it is within the State statute, Title 13 Chapter 19. Chief Brickell had provided some background information on this and suggested it would take the entire statute in its entirety. Seth Hopkins requested the Town Manager provide pages to add to the minutes of the meeting.

Brent Buehler requested the survey for High Pond Road and the letters relating to the subject be put in the public record. Seth Hopkins stated the clearing house document of letters and the survey will be made public. Tim Guiles will provide the collated letters to the Town Manager.

Doug Bailey stated there was a waiver of the Sign ordinance during Segment 6 and now that the project is done, Mr. Bailey requested the Select Board go back to the original Sign ordinance. He is offended by the signs in Center Street Park. Dave Atherton stated Segment 6 is not closed out yet and Mr. Hopkins noted the Select Board will revert back to the original Sign ordinance when the Segment 6 project has ended.

#### **5. Approve Clean Water Loan Application**

Seth Hopkins advised this is the application relating to the wastewater treatment plant that was previously amended in the meeting regarding the water sponsorship program.

**Motion** by Tim Guiles/Mike Markowski to approve the Clean Water Loan Application.

Wayne Elliott reported the majority of the project is through the USDA grant loan but the Town can't tap into that until a year from now. This is step two for the water design so that the Town qualifies for 50% subsidy and once the loan is approved it gives the Town a way to get paid for legal costs and is a bridge loan in the amount is \$300,000 that was approved as part of the bond. In addition to engineering there is allowance for permit fees and legal fees. The engineering documents will be completed to be ready for bidding. Seth Hopkins thanked all who have been involved in this project and appreciated receiving information that makes sense and all questions were answered in a forthright manner. Tim Guiles noted the total amount requested was blank on the document and Mr. Elliott advised that a revised document with the \$300,000 figure was sent to the Town Manager. Dave Atherton noted the Board's document for signature will have the figure included.

**The motion passed unanimously.**

## **6. Consider Grant Resolution for Library**

Dave Atherton stated this is for the ACCD grant the library is getting. The Town has done a couple of similar resolutions before and the Board needs to resolve that they are still supporting the project. The Town is the pass through entity for the library's grant for structural renovations.

**Motion** by Tim Guiles/Tracy Wyman to approve the Grant Resolution for the Brandon Free Library as presented. **The motion passed unanimously.**

## **7. Consider Reinstating Interest and Penalty on Sewer and Taxes**

**Motion** by Tracy Wyman/Mike Markowski to reinstate the interest and penalties on the sewer and taxes.

Seth Hopkins advised the Select Board had voted to suspend interest and penalty on sewer and taxes until the state of emergency has ended and some people may have made prioritizations based on that. The state of emergency will be coming to an end and he did not think the Town should change course at this time. Tracy Wyman stated it would not be reinstated until July. Butch Shaw advised the state of emergency and opening the state back up are two different things. The Governor may need to extend the state of emergency for another 30 days and right now, the Senate has asked the House to extend our state of emergency until January 1<sup>st</sup>. Mr. Shaw can't predict but this is predicated on the conditions of some of the legislation that is passed. Mike Markowski stated if something is not done now, the Town will lose leverage to do something later as there are more funds available with the federal funding coming into the State. Tracy Wyman stated people have received stimulus checks and he thinks the Town needs to get something started. Dave Atherton has been consistent with working to keep delinquent taxes low and the Town needs to get back on track. Mr. Shaw stated the Governor cannot require the

legislature to be in a state of emergency and they have to set their own. Mr. Shaw would not suggest the Town tie its state of emergency guideline with what the legislature is doing, rather with what the Governor is doing. Seth Hopkins asked if there is a rise in delinquencies and Mr. Atherton stated it is not going up population wise, but there are usually methods of dealing with inconsistencies. He thought when the state of emergency is lifted there are going to be people that have a lot to pay. There have been two rounds of the State paying off utility bills for people and Mr. Atherton thought that some people are going to be shocked when they go to pay taxes for two years. Brent Buehler knows landlords that have not received rent but their taxes, water and sewage is accumulating. Dave Atherton attended one of the conferences on water and sewer arrears and it was suggested they wanted every renter to call and set up something. Mr. Buehler stated they can't evict people and it creates a hardship on some of the landlords. He agreed with Mr. Hopkins that if the town's business signs are left up, the original state of emergency should be honored. Doug Bailey stated as a 30-year banker, he supports what Mr. Atherton and Mr. Wyman are saying as the further behind one gets, the harder it is to get caught up. Any landlord can meet with Dave Atherton and set up a payment plan. Tracy Wyman does not have a problem postponing the interest and penalties but the Town needs to do something about getting taxes paid. Tim Guiles stated we are talking about interest and penalties, but taxes are still due. Mr. Atherton stated the difficult thing is the Town is going to hold a tax sale when not collecting penalties and interest. Delinquent tax bills were sent out but the Town is not seeing people come in due to no interest and penalties. Tim Guiles asked if the threat of a tax sale is as coercive as interest and penalties. Mr. Atherton advised the only difference is interest and penalties don't go away and he thinks the idea during the pandemic was to not have interest and penalties. Mr. Atherton can do a tax sale at the end of the fiscal year even when interest and penalties have been waived as the Town has been doing tax sales every year but there is the imposing threat that the delinquent notice is sent and then 15 days later, the property is to be sent for tax sale. The Town has had success doing this annually and keeping delinquencies down. Mr. Atherton will advise the Select Board when he wants to do a tax sale.

**The action on the motion was a tie vote and failed.**

## **8. Consider Posting Notice to Bid on Town Lots 6-1-23 and 6-1-32**

**Motion** by Tracy Wyman/Seth Hopkins to authorize the Town Manager to post Notice of Bid announcements for Town Lots 6-1-23 and 6-1-32 with a minimum bid of \$250 per parcel.

Dave Atherton stated these are the town lots that were posted last fall that the Nature Conservancy was going to acquire and then backed out of the sale. Mr. Atherton thought the minimum bid should be raised from \$100 to \$250 as it would be in the best interest of the Town to maximize the yield for the parcels when selling them.

**Motion** by Tracy Wyman/Seth Hopkins to amend the original motion to include a minimum bid of \$250.00. **The motion passed unanimously.**

**The original motion passed unanimously.**

## **9. Fiscal**

***a) General Fund Warrant – April 26, 2021 - \$173,900.47***

**Motion** by Tracy Wyman/Tim Guiles to approve the warrants of April 26, 2021 in the amount of \$173,900.47. **The motion passed – Mike Markowski recused.**

Tim Guiles noted that Tracy Wyman would recuse himself in the past during the Segment 6 project when he might have business relating to the warrants and noted he wasn't sure if Mike Markowski should do the same for Markowski Excavation warrants. Mr. Markowski stated he is a regular employee for Markowski and he is not involved in the business or has a financial investment but he does not have a problem recusing himself. Dave Atherton reported the Town does buy gravel from Markowski and uses their dump area and it is not a requirement that Mr. Markowski has to recuse himself. Seth Hopkins stated Mr. Markowski has offered to recuse himself at this point but noted there are other options. Mr. Hopkins now discloses relationships when discussing items during the Liquor Commission meetings rather than recusing himself.

The Select Board recessed at 8:04PM.

The Select Board returned to session at 8:08PM.

**Motion** by Tracy Wyman/Seth Hopkins 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/Tim Guiles to enter into executive session at 8:10PM 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 Dave Atherton and Policy Chief Brickell. **The motion passed unanimously.**

## **10. Executive Session**

The Board came out of executive session at 8:36PM.

There were no actions required.

## **11. Adjournment**

**Motion** by Tracy Wyman/Tim Guiles to adjourn the Select Board meeting at 8:36PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary