

**Brandon Select Board Meeting
May 10, 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, Tracy Wyman, Brian Coolidge

Others In Attendance: Dave Atherton, Chris Brickell, Brent Buehler, Ken McFarland, Stephanie Jerome, Bernie Carr, Adam Murach

1. Call to order

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

a) Agenda Adoption

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

A second executive session with same citation with only the Board present for discussion of the Town Manager's annual review.

2. Approval of Minutes

a) Select Board Meeting – April 26, 2021

Motion by Tracy Wyman/Tim Guiles to approve the minutes of the April 26th Select Board Meeting. **The motion passed with one abstention – Brian Coolidge.**

3. Town Manager's Report

Dave Atherton provided a report for the weeks of April 26th and May 3rd, 2021:

. The Segment Six sidewalk repairs/replacement continue on Franklin Street and Conant Square. West Seminary Street has been milled and will be repaved on May 10th.

. Shawn and Mr. Atherton have been working on the MRGP list with the RRPC to determine which road segments the Town will be completing with the \$20,000 grant received. This program identifies road segments that need work on drainage and runoff. There is a meeting with the RRPC next Tuesday to go over the information.

. The Subgrant Agreement for the 389 Newton Road property buyout has been reviewed and signed. Next step will be soliciting quotes from appraisers and title work.

. The Town has received the Class 2 Highway structures grant for the Arnold District Road Culvert. Mr. Atherton will be meeting with the engineers to discuss next steps. Trying to set this meeting up tomorrow.

. Mr. Atherton attended the 4/29/21 Rutland Regional Transportation Council meeting. There was further discussion on state highway project rankings as well as VTrans Bike & Ped grants.

. Mr. Atherton attended the 4/28/21 RRPC Emergency Management “Hot Topic” meeting. The discussion was on debris management after a disaster.

Rec Department News:

. Safety day is back! Thanks to a generous sponsorship from OMYA and our fantastic safety volunteers and professionals, we will be hosting our annual Safety Day and Bike Rodeo at the Brandon Fire Department on May 15th. Chief Kilpeck and our volunteers will play host to Brandon Rec, Brandon PD and Brandon Rescue. The Neshobe PTO will be helping us to properly size and fit these FREE OMYA sponsored bike helmets for area youth of all ages. Hot dog grilling by the Brandon Area Toy Project, bike mechanic station manned by members of the newly formed BABA (Brandon Area Bicycle Association) and Dan Boyce. All around safety guru, Debbie Boyce will be manning a riding safety course. Join us 10AM to 1PM!

. Our Estabrook Archery course sold out! We will be offering another course later in the summer.

. The Jack McKernon Drive-in at Estabrook Park collaboration with the Paramount Theater will be opening up May 28th with a private celebration for OVUHS seniors with a movie and fireworks! The regular public drive-in schedule will be up soon. We are working to select movies for the June and mid-July showings. Stay tuned.

. Our Summer Rec programming will be announced at the Safety Day. Some exciting new camps will be happening around getting youth back outside. Fishing, writing, outdoor musical, writing workshops, trail building are among some of the offerings. We recently submitted a grant proposal to underwrite most of the costs of these camps in an effort to access ARPA funds to make it accessible for all. Grant notification is May 26th.

Tim Guiles requested an update on the downtown wi-fi and asked if there is a plan for signs to let people know that there is free wi-fi. Bill Moore met with the contractor in April to pinpoint where the wi-fi will be and they will be getting the Town a quote. There will be feeds at the library, town hall and Stephen A. Douglas House and repeaters will also be added. Mr. Moore stated the timeline is not known but it will be a summer project. The Town will be developing a landing page.

Stephanie Jerome is glad that the Town is applying for the ERPA funds.

4. Public Comment and Participation

Chris Brickell stated there is a lot going on in State government and he wished to recognize that the Town Manager and Bill Moore have been deeply engaged in grant opportunities and bringing funding to our Town. There is a lot of work that goes into obtaining grants and he wanted to be sure that people are aware of the time that goes into these efforts. Seth Hopkins stated there is a lot of behind the scenes work that goes on and the grants go with a lot of qualifications that have to be met. The Town is fortunate to have a town manager and department heads who actively pursue outside sources of funding. It is said that Vermont runs on volunteers and Mr. Hopkins stated Brandon runs on volunteers and grants allow the Town to make progress with a small tax base.

Stephanie Jerome advised the Legislature will be in session for two more weeks. They are working on the final group of bills and getting the budget passed. There are new funds available and Ms. Jerome is encouraged the Town is tapping into those funds. There is a major bill next week, S15, to allow absentee voting again for the coming elections. The absentee voting last year allowed for people to participate who may not have been able to and it makes it more accessible to vote. Ms. Jerome is reaching out to the town clerks to assure they are aware of the bill. The Legislature is working on an unemployment bill to be sure that it is fair and equitable for people and employers.

Brent Buehler questioned the appendix that was added to the last meeting minutes concerning the Vermont statute and Town ordinance. Dave Atherton advised the entire report came from Chief Brickell and was included for the public to view. Mr. Buehler asked if this will be combined with the survey from High Pond Road and the letters concerning the noise ordinance. Mr. Atherton stated those items are posted on the Town's website under the Select Board's meeting minutes.

5. Tree Committee Discussion

Dave Atherton advised some people have contacted the Town about reinstating the Tree Committee. There are four people who would like to be on the committee. It was noted there is more responsibility for the tree warden and the VLCT newsletter that came out today provides information about the responsibilities of the tree warden. Mr. Atherton stated Wayne Kingsley has been a pleasure to work with and is keeping up on all the responsibilities that are required. Tim Guiles noted some towns have success with tree committees, but it seems that it depends on the tree warden overseeing it properly. Mr. Guiles asked if the Town Manager checked with Mr. Kingsley on whether he would like assistance. Mr. Atherton spoke with Mr. Kingsley and his concern is that he would have to teach people the new rules and regulations. Mr. Atherton noted this request is likely due to the removal of trees on Park Street that were hollow. Mr. Atherton found a tree ordinance and inventory from the previous tree committee. Mr. Kingsley would have the ultimate decision on whether he needs assistance. Mr. Guiles noted the tree committee was in existence pre-tree warden authority and the committee may have been more of an active decision making group. Now due to State statute it is the responsibility of the tree warden. Mr. Atherton thought this would need some sort of action by the Select Board. He does not want to lose a good tree warden as Mr. Kingsley has been great and is staying up on the new law. Bernie Carr stated the tree committee was mid-1970s when the Center Street and Park Street business

area had no trees. The committee got together and planted some trees that were probably the ones that were cut down during Segment 6. Tracy Wyman agreed with Mr. Carr and believed since the Town has a tree warden that is retired from the Forest Service, he does not need someone to oversee him. Ken McFarland advised he has been talking with people in Town about the revitalization of the tree committee. There was an extensive tree survey done in 2003/2004 and any conversations there have taken place were not about having an oversight role of the tree warden rather it is envisioned as a cooperative relationship to extend the survey that was completed 20 years ago and assist in a cooperative fashion with the Town to develop a tree plan. The information was sent to Mr. Hopkins regarding the prior members. Mr. McFarland noted in the 2016 Town Plan, there is a call for attention to tree scape and the goal is to provide education and return the Town to its urban forest. He stated there is not a desire to oversee the tree warden. There are individuals that have had extensive experience, have worked with an arborist, and are trying to encourage the revitalization of a post Segment-6. He noted Laura Peterson was the chair of this committee. Mr. Guiles sees it as a positive thing as long as it is under the direction of the Tree Warden. Mr. McFarland stated they have talked about an Arbor Day program. Mr. Hopkins received information from Laura Peterson and there was discussion with Ms. Peterson to determine the types of things they are interest in doing. As far as addressing the questions that came up, Mr. Hopkins wants to address the idea of the timing. He knows a couple of selectmen and the town manager received several emails and telephone calls when the trees were removed on Park Street. The Tree Warden had determined that some of the trees needed attention and could not be kept alive safely. Mr. Hopkins shared a picture of one of the trees that was removed and noted there was significant rot though it did have some greenery left. The Tree Warden felt the right thing for public safety and the safety of the properties was to remove the tree. Mr. Hopkins thinks this is where the concern is coming from and there was some public pushback related to these trees. Mr. Hopkins is not against a tree committee but is worried about a committee that will react to a decision of the Tree Warden. Mr. McFarland stated the reason for bringing back the tree committee is to look forward and not look back. Everyone wants to work cooperatively with the Tree Warden and there is no desire to work up a frenzy but there is a desire to develop a plan. The thought is to work positively with the Town and the approval of the Select Board would be desirable. Mr. Guiles would like to see a formal request submitted by the committee the Select Board can vote on. Mr. Hopkins recommended having the committee submit a proposed scope of operation and projects anticipated. Mr. Guiles also suggested the proposed committee members talk with Mr. Kingsley. Mr. Hopkins suggested the proposed committee provide the Town Manager information on what they would like to assist with. Mr. Atherton advised there was a tree plan for the Segment 6 project that included planting 197 trees. There is also a plan to plant new trees on Park Street once the stumps are removed. Mr. Guiles stated part of the Tree Warden school was the topic of a tree plan that some communities are doing and Mr. Kingsley indicated he was positive to this idea. Mr. Atherton stated it would be good to have the tree committee come up with a proposal and have Mr. Kingsley provide his input on it. Mr. McFarland agreed that discussing this item with the Tree Warden is the logical way to proceed. Mr. McFarland will be in touch with the other people that have been discussing this subject to draft a statement. Mr. Hopkins asked Mr. Atherton to provide the proposed committee the VLCT digest on the tree law changes.

6. Consider Reinstating Interest and Penalty on Sewer and Taxes

Brian Coolidge requested this item be postpone to a future meeting when the full board is present.

7. Consider Ordinance for the use of Town Parks and Recreational Areas

Dave Atherton stated there had been prior conversations about coming up with an ordinance for the Town's parks and rec areas. He obtained information from other towns and provided the Town's attorney the proposed documents for review. Seth Hopkins thanked Mr. Atherton for developing the ordinance. Tim Guiles appreciated the ordinance and it seems straightforward, but thought the penalties seem to be severe and asked how the numbers were determined. Mr. Atherton noted the Select Board can set whatever fine they want. The fines and penalties are prohibiting alcohol use unless there is a licensed caterer. This is more focused on those types of things or if there is any vandalism. The alcohol rules are what triggers the fines. There was a town hall rental form created in 2016 where one has to have a licensed caterer because the Town does not want to assume that type of liability. This is the first draft and the fines can be changed. Tracy Wyman thought the draft is good the way it is written. Brent Buehler noted he walks through the parks in town and asked why the parks in Town have a 10PM cut off. Mr. Atherton reviewed other towns' ordinances and 10PM was what they used for events, but people walking through the parks would not be an issue and is more for an event-type situation. Seth Hopkins stated there are pocket parks that are different from Estabrook park that can either be treated in the same way or perhaps steer it towards events. Tim Guiles stated there could be verbiage about congregating that would be a different issue from walking through the park. Mr. Buehler stated there seems to be more visibility in the smaller parks rather than Estabrook park that would have more police visibility. Mr. Wyman thought the hours need to be same but include something so that it covers congregating. Mr. Hopkins suggested the document should say the Select Board for the Town of Brandon, include verbiage about congregating, and leave the fines as noted. Bill Moore stated there is the possibility of indicating for future parks also due to areas that have been reclaimed. Mr. Hopkins asked if the Town owns lots that should be addressed, like the Wheeler Road and Newton Road lots. Mr. Atherton stated there is public access to those areas. The parcel on Wheeler Road has turned into a parking area for people to go cycling, and there has been discussion of a possible park and ride. Mr. Atherton recommended leaving the ordinance to the public gathering places. Mr. Hopkins asked if there should be a Board ordinance for the other areas. Tim Guiles asked if the town forest is another usable public space as it might make sense to add this to the document. Mr. Atherton advised one has to go through several private properties to get to the town forest. Mr. Guiles stated it needs to be made clear the town forest is not open for public recreation and noted he thought in Vermont there was no such thing as a landlocked piece of property and every parcel has an access right of way from a road. Mr. Hopkins stated Mr. Atherton will do some editing and further input can be provided to him via email.

8. Consider Parks and Recreation Facility Use Waiver

Dave Atherton stated this is a first draft that was developed due to the draft of the Town Parks and Recreational Areas ordinance previously discussed because of no alcohol allowed. Under Section 5, the Rec Department can assume the waiver of liability, using the Corn Hole League as an example. Mr. Atherton asked the Town's attorney to draft something as it would have to be

under the guidance of the Rec Department. If there is a Rec event, like the Corn Hole League, they would have to sign the waiver of liability and assumption of risk. Seth Hopkins stated this is similar to what he has to have his Bicycle groups sign and it appears to cover all the bases. Tracy Wyman advised this is also similar to what they have had for the Blue Grass Festival. Mr. Hopkins stated it is wise to have this waiver so there is no liability on the part of the Town.

Motion by Seth Hopkins/ Tracy Wyman to adopt the Parks and Recreation Facility Use Waiver. **The motion passed unanimously.**

9. Fiscal

a) General Fund Warrant – May 10, 2021 - \$144,081.48

Motion by Brian Coolidge/Tracy Wyman to approve the warrants of May 10, 2021 in the amount of \$144,081.48. **The motion passed unanimously.**

Bill Moore reported the Brandon Fire District will be accepting letters of interest until the end of the week for participation on their Prudential Committee.

The Select Board recessed at 8:04PM.

The Select Board reconvened at 8:06PM.

Motion by Brian Coolidge/Tim Guiles to enter into executive session at 8:07PM under the provisions of 1 V.S.A. 313(a)(3) to discuss the appointment or employment or evaluation of a public officer or employee with the session to include Town Manager Dave Atherton and Policy Chief Brickell. **The motion passed unanimously.**

10. Executive Session

The Board came out of executive session at 8:30PM.

There were no actions required.

Motion by Brian Coolidge/Tim Guiles to enter into executive session at 8:30PM under the provisions of 1 V.S.A. 313(a)(3) to discuss the appointment or employment or evaluation of a public officer or employee. **The motion passed unanimously.**

11. Executive Session

The Board came out of executive session at 8:45PM.

There were no actions required.

12. Adjournment

Motion by Brian Coolidge/Tim Guiles to adjourn the Select Board meeting at 8:45PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary