

Brandon Select Board Meeting July 12, 2021

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

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

Others In Attendance: Dave Atherton, Bill Moore, Wayne Rausenberger, Mike Frankiewicz, Brent Buehler, Chris Brickell, Richard Russ, Doug Bailey

Others in Attendance via Zoom: Butch Shaw, Will Ariadne

1. Call to order

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

a) Agenda Adoption

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

Add an Executive Session in accordance with 1V.S.A. 313(a)(1) regarding collective bargaining negotiations with the New England Police Benevolent Association union

2. Approval of Minutes

a) Select Board Special Meeting – July 6, 2021

Seth Hopkins reported there was a special meeting held to set the tax rate of \$2.3585 for Residential and \$2.6079 for Non-Residential.

Motion by Brian Coolidge/Tim Guiles to approve the minutes of the July 6th Select Board Meeting to set the tax rate. **The motion passed with one abstention – Tracy Wyman.**

3. Town Manager's Report

Dave Atherton provided a report for the weeks of June 28th and July 5th, 2021:

We have been notified that we are receiving the FY22 Municipal Grants in Aid award of \$17,500.00. This is the annual grant that we apply for to mitigate stormwater runoff and drainage issues on our roadways.

We are in the process of renewing the municipal wastewater discharge permit for the wastewater treatment plant. The new permit will be good until June 30, 2026.

We have hired two new officers in the Police Department within the last few months. Aidan Alnwick is currently in the Academy full time and will be graduating at the end of August. Joseph Mannino came on board as a part-time certified officer and is currently training in the field with Lt. Pulsifer.

We have received the grant agreement for the Union Street sidewalk replacement.

The Highway Department is finishing up culvert replacement and ditching on Florence Road and High Pond Road. They plan to start work on Mill Lane later this week.

Tim Guiles asked if the Town would be making the pairs of trash cans in town recycle/trash rather than two trash cans. Dave Atherton advised that this was the intent and Mr. Guiles suggested adding labels to the cans to differentiate between recycle and trash. Mr. Guiles requested a summary of what is being considered for the ARPA funds that the Town will receive prior to next meeting's discussion in order to weigh pros and cons to help the discussion. Mr. Guiles will do something similar for Wi-Fi. Mr. Atherton advised that he could obtain the engineers' cost estimate and scope of work for the next meeting.

Mike Frankiewicz asked if the Town could get a new road sign at the corner of Town Farm Road intersection, or underneath the yellow sign indicating an intersection ahead. Dave Atherton reported the Town has put out several Newton Road signs but they come up missing and will look into placing another.

Brent Buehler asked if there could be trash receptacles placed near the gazebo in Green Park at the falls where Red Cover has their events.

Doug Bailey requested status on the speed signs. Mr. Atherton reported as soon as the Town receives the break-away poles from the manufacturer they will be installed. Mr. Bailey thought the July 4th festivities were the best we have ever had and noted Bill Moore did an amazing job. After four years of construction, it was great to have the fireworks and festivities downtown and Mr. Moore needs to be recognized for all that he did. Seth Hopkins also thanked Mr. Moore and the Rec Committee. Mr. Moore stated it was a huge community effort and wished to acknowledge Susan, Sue, Bobby, Debbie and Jeanne and everyone behind the scenes, such as the Police and Fire Departments for all their efforts. He noted it was truly a community effort.

4. Public Comment and Participation

Dave Atherton reported there was a Segment 6 walkthrough and a couple items he noticed was a tree on the north end of town that someone had cut down and noted it is against the law to cut public trees. It would have been nice to give the tree to someone who wanted it rather than cutting it. It is also against the law to put debris in the road, in particular grass cuttings, because it is dangerous for cyclists and motorcycles and it is something that people should not do.

Tracy Wyman reported he has been asked by the landowners of Steinberg Road if there is a process for taking this road off as a Class 4 road. Mr. Atherton advised they can petition to decommission or reclassify the road anytime they would like. Mr. Wyman stated they would like to be able to gate it at the other end because of trash that is left there. It was suggested the landowners contact the Town Manager to start the process. Bill Moore asked if the owners have an interest in it being a legal trail or if they would prefer it to be private property. Mr. Wyman indicated their idea is to gate it, but they may be willing to discuss this option.

Seth Hopkins advised there will be a discussion of the ARPA funds at the next Select Board meeting. There have been several public comments received for suggested uses of the funds that include: a highway barn, broadband, Wi-Fi, an energy revolving loan fund, paths and greenways, low income housing, addressing the sidewalks on Carver Street, removal of the traffic lights, energy-efficient projects for homeowners, a Neshobe River park below the falls, an electric police car, new solar panels at the industrial park and a Brandon station on the train track now that there will be passenger service between Rutland and Burlington. Mr. Hopkins noted the Board is still accepting suggestions for the funds that total slightly under \$400,000. There are requirements for spending the money and the Town Manager is aware of the restrictions and some of the suggestions may not qualify for the funding. Tim Guiles thanked Mr. Atherton as he noticed in viewing the ARPA website that the Town is signed up to get the money but noticed there are some communities that have not done so. Mr. Hopkins noted the Town Manager has been to training on the requirements and there are some definite parameters and baseline for spending. Information on the funds can be viewed on the VLCT website. Mr. Atherton noted any projects for state clean water or drinking water, broadband, and affordable housing are approved areas for the funds. Towns cannot do road paving or sidewalks as stand-alone projects for the funding.

5. BLSG Update

Wayne Rausenberger reported Richard Russ and he are the Brandon reps to the BLSG. He noted that in the newspaper, it had indicated Salisbury voted not to fund the group which put a \$25,000 deficit in the budget. The article for the vote had read, shall the residents of Salisbury fund the BLSG and the answer was no. Once the answer was affirmed, Salisbury then realized there is a grant involved and the grant pays for the larvicide. Mr. Rausenberger noted the only cost to the towns is a hidden cost because we have to have liability due to the aduclicide program. Salisbury now indicates that they do not want the aduclicide program, however, the question was whether to fund the BLSG. Mr. Rausenberger noted Salisbury has an internal problem that they need to resolve. The BLSG has two problems: The bylaws and agreement need to be updated. There is a meeting tomorrow night and the bylaws will be ready for the Board to accept but the agreement will take another meeting. Mr. Rausenberger does not know what will happen. Salisbury wants to negotiation to have a larvicide only treatment and the BLSG was not set up that way and was set up as aduclicide. The State has indicated they will give \$70,000 to do larvicide but there are strict guidelines. The grants started in 2012 and the grant keeps changing but is the same funding. The district can't do any larvicide as you need a minimum of 1000 acres and costs \$14,000 just for the helicopter and is a big ticket item. When the grant was set up, half goes to Lemon Fair and the BLSG gets the rest. Mr. Rausenberger provided a test tube sample of 80 to 100 mosquito eggs and noted the BLSG has to collect these samples and send them to Cornell

University. Mr. Rausenberger does not know what will happen with the BLSG, as Salisbury feels they are entitled to the grant money and the State has indicated they are entitled to 20% because their name is on the district. Mr. Rausenberger noted that Pittsford is now also in the district but does not have their name on it. This is not a good situation and as one of the reps, Mr. Rausenberger does not want to negotiate this item as Salisbury has put a \$25,000 deficit in the BLSG budget and he does not agree to giving them 20% of the grant. Mr. Rausenberger feels the problem is Salisbury's and they need to vote to either stay in the district or get out of the district. The question on town meeting day was about funding and nothing else.

Richard Russ stated with regard to the \$140,000 grant from the Department of Agriculture, Lemon Fair does larvicide only and does not have the need to do adulticide. The adulticide is up in the air and there are people who want to be sprayed and others who do not. If someone does not want to be sprayed, the BLSG sprays their neighbors with a backpack which is not as effective. As far as Salisbury, he is concerned that they are trying to hold the BLSG hostage. They have no way of applying it and if they don't have money to fund it, how can they come up with the match for the grant. Mr. Russ also noted that Brandon needs an alternate for the BLSG board as the Town Manager is currently the alternate and he is stretched thin. Mr. Rausenberger stated the towns in the BLSG have to understand there is no allotment of larvicide in the grant but it is a pool of money that goes to the district and if one of the towns needs 70% of the product to solve a problem, that town will get that amount. Dave Atherton stated one thing that concerns him is the way the grant works. Mr. Rausenberger indicated there is an in-kind match on the grant and they are expecting that Salisbury should be paying this match. The grant does not go to the municipalities on a percentage rate but to the group. Butch Shaw thought the grant goes to the mosquito district and the 25% does not have anything to do with the municipalities. Seth Hopkins asked if the BLSG has legal counsel and Mr. Rausenberger noted they did seek legal counsel and it was thought they have a good case. Mr. Rausenberger noted concern with suing Salisbury for the funds to then spend it in legal fees. Mr. Rausenberger noted concern with negotiating with Salisbury as the question voted on was about funding and not getting out of the district and for the State to say they would get 20% concerns him. He thinks Salisbury needs to advise the BLSG as to exactly what they are doing. Mr. Hopkins thanked Mr. Rausenberger and Mr. Russ for their work on the BLSG and for providing the update on this issue. Mr. Hopkins encouraged anyone interested in being the alternate to the board to contact the Town Manager. Brent Buehler asked if Salisbury were to come up with the match and voted to approve, would it satisfy the BLSG and also thought if they only want larvicide, that is their right. Mr. Rausenberger stated there are some people in Salisbury that feel larvicide is also an issue and the grant is not guaranteed money. He does not feel comfortable going into negotiations with Salisbury. If the BLSG does not get the grant money, it does not get the larvicide. Mr. Rausenberger noted every town does not get to pick and choose. Mr. Hopkins noted that public comment is welcome, however, the forum is probably better done at the BLSG Board as the Select Board cannot make decisions and the BLSG Board is not asking for any. The next BLSG meeting is this Thursday at 7PM at the Stephen Douglas House and via Zoom and will be posted in compliance with the Open Meeting Law.

6. Appointment

a) Zoning Administrator for a 3-year term (July 15, 2021 to July 14, 2024)

Motion by Tim Guiles/Tracy Wyman to reappoint Jeff Biasuzzi as the Zoning Administrator for a 3-year term from July 15, 2021 to July 14, 2024. **The motion passed unanimously.**

Tim Guiles asked if the Zoning Administrator has the authority to issue tickets. Chris Brickell reported the Zoning Administrator does have an officer number and is recognized by the towns that he works for. Dave Atherton noted Mr. Biasuzzi tries the approach of working with people prior to issuing tickets to give people the chance to come into compliance. Doug Bailey asked if there has been a job performance done for the Zoning Administrator to determine if there are areas of improvement. Seth Hopkins advised the Select Board adopted a policy where appointees who are compensated for their jobs will be supervised by the Town Manager and this is one of those jobs. Mr. Atherton reported he has not seen any issues with Mr. Biasuzzi. There has been a lot going on and there is consideration for doing some changes with the BLUO. Both Mr. Atherton and Mr. Moore have worked with Mr. Biasuzzi on items and feel he is going to do a good job. There are always going to be people who will not be compliant, but Mr. Atherton thought he is doing a good job. Mr. Hopkins advised the Zoning Administrator will provide a quarterly report to the Select Board and this was done in early June. Tracy Wyman noted he has talked with several people who are very happy with Mr. Biasuzzi's assistance. Brent Buehler felt there is room for improvement and a job performance review should be done. Mr. Hopkins noted general routine would also be an annual report at the end of calendar year.

7. Fiscal

a) Warrant FY 2020/2021 – July 11, 2021 - \$59,190.50

b) Warrant FY 2021/2022 – July 12, 2021 - \$77,958.94

Motion by Tracy Wyman/Mike Markowski to approve the FY 2020/2021 warrant of July 11, 2021 in the amount of \$59,190.50 and the FY 2021/2022 warrant of July 12, 2021 in the amount of \$77,958.94. **The motion passed unanimously.**

Dave Atherton reported the Casella Construction warrant was for repairs done to the curb that was paid by FedEx's insurance company and was covered at 100%.

The Select Board recessed at 7:51PM.

The Board reconvened at 8:13PM.

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

Motion by Seth Hopkins/Tracy Wyman to enter into executive session at 8:12PM to discuss the current collective bargaining agreement with the NEBPA under the provisions of 1V.S.A. 313 (a)(1). **The motion passed unanimously.**

8. Executive Session

The Board came out of executive session at 8:24PM. There were no actions required.

9. Adjournment

Motion by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:24PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary