

## **Brandon Select Board Special Meeting July 21, 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:** Brent Buehler, Marielle Blais, Kelly Coolidge, Patricia Welch, Kathy Mathis, Anna Scheck, Lee Kahrs, Margaret Kahrs, Keith Whitcomb, Doreen O'Mara, Mei Mei Brown

**Others in Attendance via Zoom:**

### **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. **The motion passed unanimously.**

### **2. Discussion of Open Meeting Law Complaint**

Lee Kahrs read her letter of complaint to those present (see attachment).

Seth Hopkins advised the Select Board's response letter had been sent to the town's attorney for review (see attachment). Mr. Hopkins read the following response from the Town's attorney, Constance Pell:

"I had a chance to look it over, I think it summarizes the Town's position very well and have nothing to add to it. Let me know the response. Coni"

### **3. Public Comment**

Marielle Blais requested that the 8 points be made available to the public. Mr. Guiles read the following 8 points to those present:

1. That the selectboard adopt the draft animal control ordinance as presented at the 13 July 2020 hearing/ meeting. This draft is based on the VLCT model animal control ordinance for municipalities.
2. That the "flow chart" and the "farm size" infographics be attached to the animal control ordinance as Appendix A and Appendix B respectively.

3. That the board find no further action need be taken for Brandon's animal control officer to discharge the duties of a humane officer as set forth in Vermont law. Per VT Statute Title 13: Crimes and Criminal Procedure, Chapter 8: Humane and Proper Treatment of Animals, Subchapter 1: Cruelty To Animals § 351 (4): an "animal control officer appointed by the legislative body of a municipality" is designated a "humane officer". Also, in that same subchapter, § 354(b): "Any humane officer ... may enforce this chapter." The board appointed Margaret Kahrs as Brandon's animal control officer on 27 January 2020.
4. That the animal control officer pursue training for Vermont animal control officers and Vermont humane officers, enrolling in such courses as soon as they become available, the cost of such training and reasonable expenses to be borne by the Town upon submission of successful course completion to the town manager.
5. That the animal control officer be directed to work at all times in collaboration with the Brandon Police Department, to whom she will address all questions of application of law and process. Any animal complaints referred to the ACO by BPD, and those generated by the ACO will be documented using the Brandon Police Department record keeping system.
6. That the animal control officer be provided, as she has already partially been, the equipment required to enforce the Town's ordinance, such equipment to be pre-approved by the town manager and to be returned to the Town in serviceable condition at the conclusion of her tenure. This does not include equipment required to be a pound keeper, for which service the Town works with the Rutland County Humane Society.
7. That the animal control officer be provided with physical copies of the following and be required to attest to her responsibility for and understanding the contents thereof in a signed statement returned to the board: (a) the Brandon Animal Control Ordinance including its Appendices; (b) the complete text of Chapter 8 of Title 13 VSA: Humane & Proper Treatment of Animals; and (c) VLCT's Big Book of Woof.
8. That the animal control officer, town manager, chief of police, and any others designated by the board meet either in person or by electronic means to conduct an orientation to (a) Brandon's community value of compliance being our primary goal in all matters of municipal code/ordinance enforcement and (b) the level of responsiveness the selectboard desires of the animal control officer.

Kathy Mathis asked about the ordinance and why the 8 points were not available. Seth Hopkins read the definition of ordinance and stated that policies are meant for personnel of the position and are not for the general public. He also noted that towns can only do as State statute allows. Mr. Hopkins advised the 8 points state the ACO has the authority to encompass welfare within his/her duties. Tim Guiles emphasized point 3 to the public. Mr. Hopkins advised that the 8 points can be found on the Town's website.

Lee Kahrs noted that when the 8 points were adopted, it was called an addendum and questioned if the current ACO operates under the guidance of the 8 points. Mr. Hopkins stated that he believes the current ACO does operate in accordance with the 8 points.

Patricia Welch thought this seems like more of a personnel matter. It was noted that the Town's attorney has been contacted and the response from the attorney was that they had nothing to add to this case.

Mei Mei Brown asked for clarification of the 8 points and the ordinance in that the 8 points are not part of the ordinance. Seth Hopkins stated this is clearly a policy-oriented matter. Tracy Wyman stated he did not remember if the 8 points were adopted at a hearing and Mr. Hopkins confirmed that it was done at a Select Board meeting.

**Motion** by Tracy Wyman/Brian Coolidge to accept the Select Board draft response letter dated 7/19/21. **The motion passed unanimously.**

Patricia Welch asked if there are more job responsibilities for other positions. Anna Scheck asked if this was supposed to be an addendum whether it had to go through the process to adopt it. Mr. Hopkins stated the response will be published and advised that most appointed/elected positions are bound by State statute.

Tim Guiles noted appreciation to Mei Mei Brown for her assistance provided to the new ACO. Mr. Guiles again referenced the 8 points and highlighted that the 8 points document is a helpful tool for the Town Manager.

## **9. Adjournment**

**Motion** by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 7:47PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary