

## **Brandon Select Board Meeting July 26, 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, Tom McLaughlin, T. P. McLaughlin, Jason McLaughlin, Ralph Ethier, Chris Brickell, Jack Schneider, Kelly Coolidge, Bill Moore, Mei Mei Brown, Neil Silins

**Others in Attendance via Zoom:** Marielle Blais, Neil Allen

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

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

#### *a) Agenda Adoption*

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

Add Item 2b – Revise Minutes of June 14<sup>th</sup> Select Board Meeting

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

#### *a) Select Board Meeting – July 12, 2021*

**Motion** by Brian Coolidge/Tracy Wyman to approve the minutes of the July 12<sup>th</sup> Select Board Meeting. **The motion passed unanimously.**

#### **b) Amend Minutes of June 14, 2021**

Seth Hopkins advised there was a request the Board amend the June 14<sup>th</sup> minutes on Page 3, Paragraph 4 of the minutes when referring to the sign in Central Park to change the name from Foley Brothers to Foley's Taco and Bean. It was the consensus of the Board to approve the minutes of June 14<sup>th</sup> with the noted change.

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

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

The appraisal has been completed on the 389 Newton Road property for the FEMA buy-out and the owner has accepted the value. Mr. Atherton will be ordering the title work next week. We are waiting for Hazard Mitigation to get back to the Town.

The Green Lantern Solar yearly true-up credit for 20-21 is \$2,190.99. We are seeing our monthly electricity bills lower.

Mr. Atherton has been working with the BLSG and the State concerning the larvicide grant funding. There will be more on this at the next Select Board meeting. This has been an ongoing issue right now.

The Town received a complaint/concern from a resident that was feeling that we did not support the Animal Control Officer and supply them with the necessary tools needed for the job. Mr. Atherton can assure that any equipment our ACO has requested has been granted and the Town will continue to do so. The ACO attended a VLCT webinar on animal control. He is taking advantage of training that is being offered.

The Center Street and Pearl Street stormwater mitigation projects will start this week and are behind a week due to all the rain. The Conant Square parking area construction will start once the stormwater work is completed.

The delinquent balances as of 7/22/21 are as follows: Taxes - \$351,493.41, Sewer - \$208,357.37, Water - \$160,914.64

Mr. Atherton stated this is common. He talked to the attorney today about doing tax sale letters, but noted the Town is not in bad shape considering a pandemic.

Mr. Atherton stated he has had a conversation with Shawn about the backhoe and they are seeking quotes to replace the current one and hopefully will have numbers soon. He stated this equipment has been around a long time and more work is now being done in-house.

Mr. Atherton reported that relative to the discussion about a tree inventory, he has spoken with Joanne Garton at the State level about a tree inventory and shade tree program. Ms. Garton advised that the State has a GIS app that could be used for this purpose and they are willing to visit and train someone on this program. Mr. Atherton has talked to Wayne Kingsley about this and Mr. Atherton would like to pursue acquiring the State's assistance with this project.

Chris Brickell advised there will be additional training that could be available for the animal control officer at the Police Academy in October and November. There are not specific dates available at this time but he will forward this information to the animal control officer as soon as he receives it. Mr. Brickell stated there are current police officers that have gone through this training.

Mei Mei Brown stated she had filed the complaint about the lack of tools for the animal control officer and had not heard back from anyone concerning this issue. Ms. Brown asked what tools have been provided for the officer. Mr. Atherton reported the Town has provided and will continue to provide the animal control officer with whatever he requests as there had not been

any equipment received from the previous animal control officer. Mr. Atherton also noted that he and the animal control officer did talk with the Humane Society and do plan to visit their facility. Ms. Brown suggested Kevlar gloves would be helpful to use in cases of aggressive dogs. Tim Guiles asked if Ms. Brown could generate a list of what is needed, since she is so involved with the Humane Society. Ms. Brown is concerned about the officer and does not want to see him hurt. She would be glad to help and is not present to point fingers but wants to see the position be efficient and well-done to help the animal control process. Seth Hopkins thanked Ms. Brown's for offering her assistance as it is how the town works when there is a professional in Town, the Select Board appreciates any guidance that can be offered. Ms. Brown also suggested that the animal control officer get the rabies vaccine in the event that he may get bit. She would be glad to meet with Mr. Atherton and the animal control officer as it is important to all be on the same page on this subject.

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

Bill Moore provided a Rec Department update noting the Brandon Carnival will be taking place Thursday through Sunday at Estabrook Park. It is free to enter the grounds. Mr. Moore commended Colleen Wright for filling in for him last week, particularly helping with the camps that are being held. With regard to the ARPA funds discussion, Mr. Moore reported the Town has put out an RFP for the work on wi-fi for the downtown to obtain qualified bids.

#### **5. ARPA Funds Discussion**

Seth Hopkins stated the Select Board has been gathering public input for suggestions on the use of the \$390,008.76 ARPA funds the Town will be receiving. Mr. Hopkins created a chart of the 17 suggestions and assessed them in specific ways for high, medium, or moderate need, whether the project is a result of COVID, whether ARPA would approve the suggestion and whether there are sufficient dollars for doing the suggestion with just ARPA funds or other known funding sources. Mr. Hopkins read the kinds of projects that were suggested (See Attachment) and added an additional item for possible downtown wi-fi. Mr. Hopkins noted this is based off the VLCT webinar that Mr. Atherton attended. Tracy Wyman stated the Town needs to keep taking care of the infrastructure. Dave Atherton liked the chart that was created, but some do not qualify for the ARPA funds. He stated drinking and clean water projects would be covered. He liked the suggestion of the whistle stop station but noted that Amtrak has indicated this whistle stop will not happen according to Representative Shaw. Union Street and the Town highway garage would be beneficial. Following the recent project there is less leakage and infiltration that saves the Town money in the long run. Chris Brickell stated as a town employee and taxpayer any money spent for wastewater is critical. The highway garage has had a dysfunctional space for years and houses equipment that the Town has invested in and he would be all in favor of this as well. Mr. Hopkins stated as far as the town garage, there has been some improvements made in this area. At the Board level, it was discussed that perhaps a change could be made for the personnel structure to provide for planning and training space in perhaps a separate standalone building. Tim Guiles was in favor of a new garage structure. Mr. Atherton noted the current building is not well insulated and the sills are rotting and the town crew is doing well with keeping the garage in the best shape as possible. Mr. Atherton noted he has toured other towns' garages and one could easily spend \$700,000 on a new town garage. He noted the Town of

Starksboro put \$2 million into their town garage. There is currently no break room or shower in the garage and Mr. Atherton thought the employees should have these types of items available. Mr. Atherton also suggested the garage should be hooked up to town sewer and a clean-up of the green building done. For the Union Street infrastructure, there is a sidewalk grant but there is 700 feet of old sewer and water line. It would be the logical next step to do this upgrade and the cost estimates are still being determined. Jim Emerson, newly appointed Chair of the Brandon Energy Committee, suggested a way of funding more than one project. Mr. Emerson stated he is honored to serve on the Energy Committee and is glad the Select Board has set guidelines for the Committee. He noted the State's environmental goals are high and the Town is at about 5% of reaching its goal relating to the goals of the State. The Energy Committee believes the Select Board can set an example to motivate other towns in reaching these goals. He noted it takes a new way of thinking and suggested if the Town built a solar farm on the town landfill site it would be a worthy undertaking and is what the Energy Committee endorses. Mr. Emerson stated it would generate electric savings of \$30,000 per year which then could be used to fund the construction of a new maintenance building or assist with a loan for the Union Street waterline. When translating electricity into heating cost savings, the savings are then multiplied and the \$30,000 savings could be greater as it could be based on saving oil. This could be a savings of 1.1% to the taxpayers. The Energy Committee encourages the Select Board to take a key step to evaluate this project, as GMP will review this based on their system capacities. Mr. Emerson asked the Select Board to consider this proposal and engage the Energy Committee to assist and work towards the State's energy goals. Dave Atherton stated there is still 4 acres of land at the Industrial Park. Mr. Atherton noted that when looking at solar for the Town, it was to offset the rates at the wastewater plant. They did consider the old landfill but he is not sure what can be done there as there is still testing that would be required. Mr. Atherton advised when the current solar project was done, the Town's monthly utilities were \$12,000 and they are now down to less than \$9,000. Mr. Emerson stated we need to find a way to contain electric generation and there is only a certain amount of capacity that GMP will allow. Tim Guiles noted he has been researching various electric vehicles and found that electric dump trucks, work trucks, garbage trucks, flatbeds, and police cars are now available and in using these types of vehicles in the future, additional electric generation will be needed. Neil Silins suggested adding another column for crossover benefits. Mr. Hopkins has been impressed with the Town Manager and with the way this board and community have talked about potential projects to assure the funds are not squandered and will have multi-generational impact for the community. Mr. Hopkins thanked the Town Manager and those that have provided suggestions. Mr. Atherton stated since doing Segment 6, Sue Gage and Ray Counter have indicated there is almost 5 million gallons of water a year that are now being accounted for that were not in the past and is saving the Town a lot of money. Tim Guiles suggested getting the report down to a smaller number of recommendations to consider and to have a more substantive discussion about the pros and cons of those. It was decided that Items 3, 5, 7, 9, 10, 12, 15, and 17 could be removed from the listing. Mr. Atherton noted there is going to be more broadband money coming into Vermont. Items 1, 2, 4, 6, 8, 11, 13, 14, and 16 were the suggestions the Select Board will do further research on. Mr. Guiles suggested a document be developed for each of the items remaining, similar to what Mr. Emerson provided this evening. Tom McLaughlin stated all residents in Town should have wi-fi access and not just the downtown. He stated if using taxpayer's money, all residents should have it available. He noted that a similar situation happened with cable years ago and not all residents could get it. Bill Moore advised there are line extension programs and

the utilities companies have programs that provide funds for line extension. Mr. Moore encouraged anyone who is having difficulty with wi-fi to look into the funding that is still available.

## **6. Shade Tree Preservation Plan Discussion**

Neil Silins stated from his perspective the Town is moving into a new era for trees with the new State legislation. He noted the Emerald Ash borer can affect the canopy and Mr. Silins stated there should be a shade tree preservation plan that will likely take about 3 or 4 years to develop to provide guidelines for moving forward 30, 40 or 50 years to end up with a robust tree canopy. If the Town has a disease or insects that attack, there will be other species that would maintain the canopy. On Park Street, there were two old trees that were removed and there were no younger trees planted to replace them. He suggested spreading out the plantings to have a variety of ages of trees. Mr. Silins noted this is not the kind of thing that one can rely on people's best intention but there needs to be a program to benefit everyone's trees. Mr. Silins suggested tree people, municipal people, the Tree Warden and Select Board get together to discuss a plan. Seth Hopkins thanked Mr. Silins for his input and asked if Mr. Atherton could provide information on his contact with ANR that he had discussed previously in the meeting. Mr. Silins has talked to Mr. Kingsley and it seems that Mr. Kingsley is on board with this. Mr. Silin's suggestion would not exclude the Tree Warden in any way or reduce his tree warden responsibilities. Mr. Atherton reported he has had discussions with Mr. Kingsley and noted there is a plan to replace the trees that were taken down on Park Street. Mr. Atherton noted that Ms. Garton can assist with the tree inventory and shade tree program and noted she is working with five towns on shade tree programs and is very enthusiastic about it. She would like to get volunteers from the Town to train in this effort. Mr. Atherton stated there were a lot of hollow trees found during Segment 6 that can potentially be a liability for the Town. Mr. Atherton also noted the Town just planted 192 new trees. Mr. Silins stated UVM is working with 10 towns and is hoping to come out with a template next year for other towns to use. He noted a shade tree program will take a while to develop and will take a lot of input and a lot of meetings. Mr. Silins thought there are things that could be started, like a tree inventory, and maybe seek some alternative approaches to tree maintenance like a volunteer citizen group under the guidance of an arborist. Tracy Wyman suggested also bringing the Building and Grounds person into it as there is arborist training that the Town staff could do. Mr. Atherton stated trees on private property have been a contentious issue in the State and suggested the Town should take guidance from the State as they already have policies in place. Tim Guiles suggested the Tree Warden should be at the head of this effort. Mr. Silins thought there might be enough people in Town who want to preserve trees and would be interested in helping. Mr. Atherton noted that Joanne Garton indicated there are trees that do have an expiration date and become dangerous and suggested having a plan to replace them. Mr. Atherton will follow-up with Joanne Garton at the State. At the current time there is no action needed from the Select Board. Mr. Hopkins stated it appears the first step is the tree inventory and the Town can accomplish that with whatever aid the Town Manager can get from the State.

## **7. Green Fleet Update**

Tim Guiles provided a review of the Green Fleet report and noted it is the second year of accumulating the data of the Town's energy use to see how much the Town's carbon footprint is. This is four years' worth of data as it includes historical data. He noted the numbers go up for different reasons. The CO2 emissions for the prior three years were 314, 324, 329 and last year it went down to 278. Part of this is due to COVID. The town hall propane dropped mostly because there was no activity in the town hall. The diesel usage dropped and Mr. Guiles thought it must be reflective of the projects that were done last year. Mr. Guiles had a conversation with the Public Works Director in the fall about how the Town garage works, energy wise, and there was a suggestion made to install programmable thermostats and to reduce the temperature during certain times, which resulted in a savings of 24.5 metric tons or a 50% reduction. The Police Department gas usage dropped marginally which was partially because there were fewer police on the road last year. It is hoped to draw conclusions from the energy choices that we make for the future and Mr. Guiles hopes to get better at presenting the information. He noted the final element in the Town's carbon footprint would be electric usage. Mr. Hopkins thanked Mr. Guiles for analyzing the data and providing this report and also thanks to Elaine Smith for providing the annual data.

## **8. Request to Consider Class 4 Portion of TH11 Reclassification or Discontinuance**

Dave Atherton stated the McLaughlin family and Ralph Ethier are present to request this change. Mr. Atherton advised that normally a site visit is done by the Select Board when there is a request to reclassify a road. There have been issues with this area due to people leaving a lot of trash and old tires and the owners would like to open the fields for more farming. Tom McLaughlin stated his sons are 7<sup>th</sup> generation owners and their family has owned from property since 1784. The Town has maintained the culverts over the years, but the Town does not usually do work in this area. Mr. Atherton stated on the map provided the black portion is Class 3, the dotted version is a graveled Class 3 and the highlighted area is Class 4 that goes to the intersection of Hollow Road. Mr. Hopkins confirmed the request is for the Class 4 portion to be discontinued. Tim Guiles asked from a standpoint of recreation if the road would be available. Mr. Atherton advised if the road is reclassified, it becomes private property and is split down the middle of the road between the two property owners. It was the consensus of the Board to meet at 6PM on August 9<sup>th</sup> for a site visit, immediately followed by a hearing, just prior to the next regular Select Board meeting. Tom McLaughlin stated with the new GPS systems, there have been semi's coming down the road with no place to turn around and suggested that a sign be placed on Route 7 indicating it is not a thru-road. Mr. Hopkins noted the public is welcome to attend the site visit.

## **9. Fiscal**

*a) Warrant FY 2020/2021 – July 25, 2021 - \$178,565.58*

*b) Warrant FY 2021/2022 – July 25, 2021 - \$98,312.75*

**Motion** by Tracy Wyman/Brian Coolidge to approve the FY 2020/2021 warrant of July 25, 2021, in the amount of \$178,565.58. **The motion passed unanimously.**

Dave Atherton advised there is a Casella invoice that is the final balance for the change order. There might be one more warrant, but it is for the bridge slab work.

**Motion** by Tracy Wyman/Brian Coolidge to approve the FY 2021/2022 warrant of July 25, 2021, in the amount of \$98,312.75. **The motion passed unanimously.**

**The Board recessed at 8:30PM.**

**Motion** by Tracy Wyman/Brian Coolidge to enter into executive session at 8:37PM to discuss the appointment or employment or evaluation of a public officer or employee under the provisions of 1V.S.A. 313 (a)(3). **The motion passed unanimously.**

## **8. Executive Session**

The Board came out of executive session at 8:48PM.

**Motion** by Tracy Wyman/Brian Coolidge to adopt the following response to the Addison County Sheriff Peter Newton. **The motion passed unanimously.**

“Since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request information. It is the law that keeps citizens in the know about their government. As Congress, the President, and the Supreme Court have all recognized, the FOIA is a vital part of our democracy.

On July 19th the Brandon select board was notified by the Addison County Sheriff Peter Newton that our town manager, David Atherton, had made a public records request to his office. It appears that Sheriff Newton was trying to intimidate David Atherton from following through with his records request. The Brandon select board finds this action on the part of Sheriff Newton to be inappropriate and is filing a complaint with the Vermont Criminal Justice Council with their Act 56 Professional Regulation Intake Form.”

**Motion** by Brian Coolidge/Tracy Wyman to find that the premature general knowledge of the pending New England Police Benevolent Association Local 422 contract 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 8:51PM to discuss the Town’s pending New England Police Benevolent Association Local 422 contract under the provisions of 1V.S.A. 313 (a)(1). **The motion passed unanimously.**

## **9. Executive Session**

The Board came out of executive session at 8:56PM.

**Motion** by Michael Markowski/Tracy Wyman to ratify the Police Union Contract as presented. **The motion passed unanimously.**

## **10. Adjournment**

**Motion** by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:57PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary