

Brandon Select Board Meeting June 28, 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, Brian Coolidge, Michael Markowski, Tracy Wyman

Others In Attendance: Dave Atherton, Bill Moore, Stephen Cijka, Tracie Hauck, Katy Foote, Jackie Savela, Jeff Stewart, Jim Emerson

Others in Attendance via Zoom: Butch Shaw, Stephanie Jerome

1. Call to order

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

a) Agenda Adoption

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

Add Temporary Signage Discussion under 6(a)

2. Approval of Minutes

a) Select Board Special Meeting – June 14, 2021

Motion by Brian Coolidge/Michael Markowski to approve the minutes of the June 14th Select Board Meeting. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided a report for the week of June 21st, 2021:

The Segment 6 final walk-through was done with VTrans, Casella, Fuss & O'Neil, and Dubois & King on June 25th. VTrans was happy with the project and only minimal small repairs were found and corrected the following day.

Mr. Atherton is working with Nanci McGuire at Rutland County Natural Resources on another stormwater mitigation grant for the West Seminary Park. This was another area with considerable runoff that was addressed in the Stormwater Master Plan.

The paving bids were due on June 21st for our budgeted paving projects. Wilk Paving was the low bidder and was awarded the work.

The Highway Department has been completing ditch and culvert work on Florence Road and High Pond Road in preparation of paving.

The Town received money back on Worker's Comp for \$5,862.00 so the audited contribution was \$65,000 and the amount has gone down yet again.

Rec Department News:

Another successful baseball/softball season is in the books. A huge thank you to all of our sponsors and coaches:

- . T-ball- McCullough Bros Hawks-Justin Martelle and Pat Greeno
- . T-ball- Mae's Place Moose - Miranda & Josh Pockette and Orin Mitchell
- . T-ball - Graph-x Gators - Kayla Griswold and Justin Maranville
- . T-ball - Digligle Farm Cows- Megan Sheldrick & Richard Giddings
- . Mighty Mites- McCullough Bros Hawks - Pat Foley & Justin Martelle
- . Mighty Mites - Stone Motors Stars - Chad Disorda, Megan Sheldrick & Mike Markowski
- . Minors Baseball - Brandon Community Health Docs - Brent Wilbur, Jamie Buzzell, Kyle Trudo, Colton Leno
- . Majors Baseball - From The Ground Up Phillies - Greg Whitney, Darcie & Ian Heitmann
- . Minors Softball - Brandon Rec Mustangs-Joe Desabrais and Aaron Kerins

Speaking of Sponsors, Phoenix Feeds has stepped up to underwrite the purchase of an event golf-cart that will be for transporting people at events at Estabrook and the parade.

British Soccer Camp has been cancelled by the Challenger Sports organization due to problems getting enough coaches from England.

All of our summer offerings can be found at brandonrec.com.

Don't forget the July 3rd Brandon Independence Day Celebration is all downtown. Parade at 10, music, vendors, silent auction, duck race, street dance and fireworks all downtown. Shuttles from the American Legion, Otter Valley and Estabrook all day.

Seth Hopkins thanked the Town Manager for the update on the Worker's Comp and noted it is the one standing five year progress that has been made thanks to the Town Manager and the training for the staff.

4. Public Comment and Participation

Tracy Wyman noted concern over the last month of the traffic issues due to trucks unloading in Town. Mr. Wyman suggested putting an unloading zone with certain hours perhaps near the old bus stop and also across from the town office. Mr. Atherton acknowledged Mr. Wyman's concern and advised that he has been working with Shawn on this subject. The top of Mill Lane will be paved that could be an unloading area and also a spot near the bus stop could be designated as this does create congestion with trucks unloading for the businesses. Mr. Atherton also noted they are seeing larger trucks making the deliveries.

Tracie Hauck from Turning Point Center was present to share what they have brought to the town. There is a peer recovery site at the Library every Wednesday. The services are free and they are trying to spread the word, as the pandemic has not helped the situation. They have brochures that they can provide. Seth Hopkins noted the town clerk is a good point of contact and Ms. Hauck stated they have talked with her. She noted that they also help with family members and help advise people who need additional services. Bill Moore noted he would be glad to share this information. Seth Hopkins thanked Ms. Hauck for the work that they are doing.

Tracy Wyman thanked all the volunteers who helped look for the person who was missing from Wintergreen. It was noted that the person was returned safely to the facility.

5. Public Input: Discussion of ARPA Funds Spending

Dave Atherton has not received any input at this point. Mr. Atherton an email expressing some concerns on the things for consideration of the use of the ARPA funds, one being infrastructure and Union Street comes to mind. There are some other ideas being considered. He did speak to Representative Jerome today about the status and the deadline is now July 15th for municipalities to apply for the funding. The Town has already applied for the grant on June 9th. He and Jackie have been participating in webinars on this subject on how to report for the ARPA funding. Tim Guiles hoped to have a more deliberate conversation on what to do with the funding. He went through the webinar and was fascinated with the size and scope of the program. He suggested having a more public forum to invite the community to talk about this as it a community resource and he hoped that the community would feel that they are a part of it. Mr. Hopkins stated these funds are for COVID relief and the Town will receive \$390,000 which is about 10% of the Town's annual budget.

Bill Moore stated as the Rec Director he sees a lot of uses for the funding. Tim Guiles stated we talked about a new Town Garage that would be an infrastructure piece. The webinar talked about investing in water, sewer, and broadband. With broadband, it may be something that could jumpstart that effort. Dave Atherton stated there is more money coming specifically for broadband. Butch Shaw stated there is \$150 million coming now and the next bill that Congress has tentatively agreed on will also bring more broadband money. The \$150 million is mostly

directed to the CUDs to get them kickstarted to help the local communities going forward. Bill Moore, as the Chair of the Otter Creek Union Communication District stated there has been numbers being discussed but there is much up in the air as to how the funding will be given to CUD. Mr. Shaw stated the legislature is also waiting for guidance from the federal government and is hesitant to provide the funding until that is clarified. Mr. Moore stated there are some programs that are still funded that people are not accessing at this point and they need to be applied for. Mr. Shaw noted many of the programs are income-based qualified programs but there is still some funding left for those programs. Mr. Atherton stated he sees what it costs to fix things below the surface as opposed to above the surface as a result of the recent Segment 6 project and when things go bad underground it is costly. He sees the value of fixing infrastructure that the Town already has as it will negatively affect the Town if this infrastructure is not upgraded. Tracy Wyman agreed with the Town Manager that the infrastructure underground is old and is where he would like to see the funding used. Tim Guiles asked how water infrastructure has to do with COVID. Tracy Wyman stated with the water district, they likely see the same issues as the wastewater. Mr. Guiles is not opposed to funding infrastructure but would like to see it go to the largest population in the community and spur economic growth due to what COVID did to the community. Mr. Hopkins asked if there has been a survey or inventory done within the town as to how many underserved households we have that don't have access to broadband through normal channels. Mr. Moore advised there is a self-reporting tool for the underserved and the providers have a customer list of what they own, but there is no one place where you can see this type of information. Mr. Hopkins stated it appears there could be information obtained and collated to determine who are the underserved. Mr. Guiles suggested doing an informal survey to determine this information. Dave Atherton did not understand how that would affect everyone too, as he lives out of town but has good internet service. He stated providing internet services would be an entire new program for the Town and there is a lot to that. Mr. Atherton reiterated putting funding into current infrastructure would be his recommendation as it is an allowable use, with water and sewer outlined in the guidance as acceptable. It was asked once the money is received what is the deadline. Mr. Atherton stated there is a deadline for spending and there are guidelines that have to be followed. It was uncertain what the deadline for spending would be and Mr. Atherton noted that he could confirm this, though the timeframe may change. Tim Guiles stated in talking with the energy committee and thinking about energy efficiency there was a suggestion of a revolving loan fund for energy projects as a low income program to help people to become more energy efficient. Mr. Atherton did not think the funds could be used for something like that. He did note there was something about affordable housing. Mr. Guiles stated there was discussion of putting in walking paths for the schools and the Greenways has talked about doing a scoping study to do a walking path from Estabrook Park to Town. Mr. Guiles is interested in trying to develop a process to weigh the choices and come to a process where we have the best choice. Mr. Atherton thought the Greenways project has a few hurdles to cover before they would be ready for a scoping study and there are annual grants that could be applied for. In his role as town manager, he is looking at what the town already has, the condition of the infrastructure what we should do to make it better and not taking on new infrastructure. Seth Hopkins asked if there is a particular infrastructure that would realize some benefit from this. Mr. Atherton would like to do Union Street like the Town just did with Park Street except no swale grass. The sidewalks are in bad condition and he and Ray Counter have been talking and thought it would be good to have a shovel-ready project available in the event of some grant money coming in. They have spoken

with engineers to advise that the Town may need something turned quickly on this. Mr. Hopkins asked if the grant for the sidewalk covered both sides of the road and Mr. Atherton confirmed that it did. Mr. Atherton stated it would be a good project to complete and in doing the webinar, one question was on infrastructure and it was advised that it could not be used to just pave roads but paving could be done in connection with a water and sewer project. It would be good to get this section of road completely done. Mr. Guiles stated one thing in the webinar was prioritizing short term investments that has a long term benefit, and he considers the internet a long-term investment. He stated with small businesses and people working from home this ARPA money was meant to spur the economy and the internet is an economic stimulant for the entire community for people to work from home.. Seth Hopkins asked what spots might not have enough internet. Bill Moore advised the back side of Sudbury and Florence area are underserved, As one heads east of Brandon near Churchill House there is not good service there either. Mr. Hopkins confirmed that the northeast corner, southwest corner and Arnold district Road do not have good internet service. Mr. Moore stated Consolidated Communications has indicated Brandon is being targeted for fiber. They are talking about the possibility of doing line extension and perhaps it would be good to wait to see what they provide. The Communication District has some latitude to work with Consolidated Communications. It was noted there is an interactive map available that Rob Fish had provided. Stephanie Jerome stated the map was good a year ago but has probably been updated since that time and could be provided to the Select Board.

Seth Hopkins stated in terms of the process, the Select Board has requested public input. It would be good to ask the Brandon Rec to request input on their page and perhaps something to be placed in the Herald, the Reporter and Front Porch Forum. Tim Guiles asked if there is an end point for a decision. Mr. Atherton suggested it would be good to get the ball rolling to be able to prepare for the project. Mr. Guiles suggested possibly the end of July. Mr. Hopkins reiterated the Board is soliciting input from the community and a plan will be determined following input and discussion for the ARPA funds.

6. Public Wi-Fi Discussion

Bill Moore stated there is no movement on the downtown wi-fi yet. They are still working things out to make it more robust. and to determine what the Town's cost would be. He would prefer to have the vendor present to discuss this item to be able to answer questions.

a. Temporary Signage Discussion

Dave Atherton stated this was brought up at the last select board meeting with someone complaining about the temporary signs of one of the businesses. Mr. Atherton spoke to Jeff Biasuzzi and he has spoken to the business owner, but it brought up a number of other issues. They are not the only business that put the signs out, and there are sandwich boards that are out every day. The Select Board had authorized them. Mr. Atherton provided a review of the memo that he had sent to the Select Board, noting that the Zoning Administrator and he have discussed this issue.

Following is the memo sent to the Select Board:

“I have received some concerned citizen comments, about placing temporary (3 to 5 sq.ft.) signs advertising the restaurant (and other activities) on public property (Park and along sidewalks).

In accordance with the Brandon Land Use Ordinance:

Section 407(B)(4) states, “The following signs must meet safety and size standards per Section 407(C), but are exempt from permitting;” Sub-paragraph (f) further states, “ temporary signs displayed for no more than two special events per year (e.g. sales, openings, et.al) each lasting no longer than 21 days.”

Section 407(C)(6) states, “Siting: Movable and temporary signs will be placed on the site of business operation. Movable and temporary signage may be placed on public land in accordance with permission granted by the Select Board.”

At the last Select Board meeting there was discussion on a complaint about the temporary business signs in the Central Park area brought to a Select Person. Upon further inspection there are many businesses around Town that have sandwich board style movable signs on town property and sidewalks to promote their businesses.

Although the business in question is actually one of the businesses that does pick up their sign at closing I find it odd that they were the one’s singled out at the last Select Board meeting. The Farmer’s Market has left their sign in Central Park at the edge of the curb since their first day of business this year and we haven’t received a complaint yet.

Also, VTrans has expressed concern with signage in the Town right-of-way that is not traffic related. Their concern is that non traffic related signs do not follow MUTCD regulations and should not be in the right-of-way. This is criteria we should be meeting in order to adopt and follow VTrans Road and Bridge Standards too. There are some permanent business signs that will need to be relocated to meet these standards.

I would request that the Select Board allow temporary signs for businesses to put out during business hours only and be situated in a place that does not block line of sight for vehicles or be placed within the highway right-of-way (24 ½ feet from the center line) and, if on the sidewalks they must maintain a 5 foot sidewalk width for pedestrians and conform to all ADA regulations”

Mr. Atherton stated his reasoning is that it is advertising for business and most of the signs are pretty tasteful. There have not been any problems with people tripping over them. Tim Guiles asked if 24.5 feet work for them like the end of Carver Street and Mr. Atherton noted that sign would not be there. There are some businesses that he and Mr. Biasuzzi will talk to about permanent signs. There was some miscommunication during Segment 6 about the signs but they now have to be out of the right of way. Mr. Atherton has been back and forth with VTrans on this subject and there is value to following the guidelines with regard to some of the permanent signs, but it is not thought that many of the signs will need to be changed.

A motion by Tracy Wyman/Tim Guiles for the Board to allow for temporary signage for businesses to be put out during business hours only, situated to not block the sight for vehicles

and not be placed within the highway right of way of 24.5 feet from center line; and if on the sidewalk they must maintain a five foot width for pedestrians and conform to ADA regulations. **The motion passed unanimously.**

Dave Atherton thought this gives the Select Board the authority to make the decision and is not a BLUO change. Seth Hopkins stated we are interpreting the BLUO and instead of a per case basis, we are making a standard that can be applied to every case. Mr. Atherton advised Jeff Biasuzzi has been sending letters to the businesses regarding the temporary business awareness banners. Mr. Hopkins stated those do need to come down by all businesses now that the Segment 6 project is complete. Mr. Hopkins stated the Select Board relaxed the sign ordinance to provide as much visibility for the businesses during the construction, but would like to get back to the community standards in accordance with the BLUO.

7. Appointments

Dave Atherton provided an overview of the following vacancies and individuals interested in serving on the committees. Mr. Atherton noted that there is also a vacancy for a Deputy Health Officer and if anyone is interested serving in this capacity, they can contact the Town Manager.

a) Energy Committee – Jim Emerson

b) Health Officer - (3-year term ending July 31, 2024) – Tom Kilpeck

c) Development Review Board - 1 seat (3-year term ending June 30, 2024) – Bob Clark

d) Planning Commission - 3 seats (3-year term ending June 30, 2024) – Ralph Ethier, Bob Foley, Alison Walter

e) Revolving Loan Fund Committee - 3 seats (3-year term ending June 30, 2024) – Frank Spezzano, Tom Whittaker, Jack Schneider - Alternate

f) Rutland Region Transportation Advisory Council (1-year term ending June 30, 2022) – Dave Atherton

g) Rutland Regional Planning Commission (1-year term ending June 30, 2022) – Dave Atherton

Seth Hopkin stated there are also opportunities for individuals to serve as Alternates on the Rutland Region Transportation Advisory Council and the Rutland Regional Planning Commission.

Motion by Tracy Wyman/Michael Markowski to approve the appointments as listed above for the terms indicated. **The motion passed unanimously.**

8. Assignment of Funds

Dave Atherton stated this is the annual fiscal year-end report. A couple of things that are being considered are to assign \$30,000 from the Police Budget to the Highway Budget for wages for a new employee that will be starting in August. This will allow opportunity for training the new employee prior to the winter season before the current employee leaves in October. There is also

consideration to assign \$433.00 to the Recreation Department for cheerleading. The restricted funds outlined in the report required no action from the Select Board but was for information only. Seth Hopkins clarified the funds noted above would be for funds assigned from the General Operating budget and would be included in the General unassigned balance if not encumbered.

Motion Brian Coolidge/Tracy Wyman to encumber the funds as presented above for \$30,000 for a highway operator and \$433.00 for the Rec Department for Cheerleading. **The motion passed unanimously.**

Jackie Savela noted under the Restricted Funds, there are donations for the Dog Park, Hawk Hill and Carnival that were designated by the donors and are being held for the purposes being intended for.

9. Fiscal

a) Consider Purchase of FY2021 Diesel Fuel, Heating Fuel and Gasoline

Motion by Tracy Wyman/Brian Coolidge to accept the bid from Champlain Valley Fuels for the purchase of diesel fuel, heating, and gasoline for the upcoming FY2021/22 budget year. **The motion passed unanimously.**

Dave Atherton noted that fuel prices have gone up and the Town may be swapping fuel vendors and having gas cards. Jackie Savela is looking into this right now. This would make usage easier to track and currently it is not saving the Town as much money anymore. The Town would still be purchasing heating fuel from Champlain Valley Fuels.

b) Consider of Purchase of FY20/21 Propane

Motion by Tracy Wyman/Brian Coolidge to accept the bid from Fyles Brothers for the purchase of propane for the upcoming FY2021/22 budget year. **The motion passed unanimously.**

Mr. Atherton advised that both companies will also do service for the Town. It was noted that Elaine Smith puts these items out for bid each year, but it usually ends up being rack price.

c) Warrant – June 28, 2021 - \$118,630.68

Motion by Tracy Wyman/Brian Coolidge to approve the warrant of June 28, 2021, in the amount of \$118,630.68. **The motion passed unanimously.**

Dave Atherton noted there had been a misprint in The Reporter that the Town had spent \$98,000 at Brandon Lumber, but that was the total warrant for all the vendors and he wished to clarify that was an incorrect figure.

The Select Board recessed at 8:03PM.

The Board reconvened at 8:44PM.

Motion by Tracy Wyman/Brian Coolidge 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 8:45PM 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.**

8. Executive Session

The Board came out of executive session at 9:25PM. There were no actions required.

9. Adjournment

Motion by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 9:25PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary