

Brandon Select Board Meeting August 23, 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

Others In Attendance: Dave Atherton, Neil Silins, Wayne Rausenberger, Jack Schneider, Jim Emerson, Butch Shaw

1. Call to order

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

a) Agenda Adoption

Motion by Brian Coolidge/Tracy Wyman to adopt the agenda as amended. **The motion passed unanimously.**

Item 5a - Addition of Energy Committee Update

Item 7a - Addition of Committee Vacancy Announcement on Energy Committee and Planning Commission

2. Approval of Minutes

a) Select Board Public Hearing Meeting – August 9, 2021

Motion by Brian Coolidge/Tim Guiles to approve the minutes of the August 9th Select Board hearing. **The motion passed with one abstention – Tracy Wyman.**

b) Select Board Meeting – August 9, 2021

Motion by Tracy Wyman/Brian Coolidge to approve the minutes of the August 9th Select Board meeting as amended. **The motion passed unanimously.**

On Page 4 – 1st paragraph it was suggested to strike the following sentence as Representative Shaw indicated the conversation did not happen prior to the meeting: “Mr. Emerson has talked to Butch Shaw and was advised that it is hard to get the State to sell land, but it would be easier to do a 99-year lease and Mr. Shaw suggested the possibility of leasing the land.”

3. Town Manager’s Report

Dave Atherton provided a report for the weeks of August 9th and August 16th, 2021:

. Dave Atherton spoke with Dubois & King about the USGS marker that was removed during Segment 6. Per the plans it was listed as a “remove only” item and not to be replaced as it would have been replaced in the middle of the roadway.

. Mr. Atherton followed up with Dubois & King and VTrans about the “0” mile marker that was discussed at the last Select Board meeting and no one knows what it is and who installed it.

. Mr. Atherton discussed with Dave Munro at Fuss & O’Neil about the traffic light timing. He is working on scheduling a time for Mr. Munro to observe the intersection and see if timing changes are possible. He was on vacation last week and he will bring their traffic light person here to do a review and may do some adjustments. He noted that traffic has increased and could warrant a change for the southbound lane and will research this item further.

. Mr. Atherton spoke with Scott Robertson about the request the Town received for a 4-way stop at the Park/Marble/High streets intersection. This has been discussed many times over the years and the determination was that the traffic and accident studies do not warrant a need for a 4-way stop.

. The Town has received another Local Options Tax payment in the amount of \$62,645.45, which is significantly more than anticipated.

. Construction of the four bioswales on Pearl Street has started. They should be completed by the end of the week. Lowell Landscaping is doing this work.

. The Town is preparing the parking area site behind the former Mobil station for construction. Dubois & King will be on site with the Contractor as project inspector. That is going to be started this week.

. The Governor’s visit for August 25th has been confirmed for the 10th anniversary of Tropical Storm Irene. He will also be visiting Newton Road to discuss the property buyouts and flood mitigation projects.

. The US Forest Service has given the Town funding up to \$10,000 for gravel and road maintenance on Churchill Road.

Rec Department News:

. Brandon Rec will be offering Archery on Fridays at Estabrook Park. Starts September 10th.

. On August 17th, the Brandon Dog Park Committee held a volunteer day to perform some punch-list work. Thank you to Cecil Renche-Smith, Karen & Kelly Trayah, Becca Trayah, Sue & Brian Danforth, Nita Hanson, Dave Martin, Chris, Mark & Ashley for their help. Work is nearly complete, and we will be hosting a grand opening in early September. The park is usable now and needs only signage and some cosmetic final touches.

. Fall cheerleading for grades 4 – 6 registration is open.

. Our pre-season soccer clinic with OV girls' varsity was a smashing success with 50 kindergarten – 6th grade kids “kicking off” their season with instruction from Tammi, Elena, Ella and Brynn.

Tracy Wyman stated there was an inquiry from a resident about a temporary survey pin. Dave Atherton advised that the pins were placed by DuBois and King and were not permanent survey pins. They have looked back through all the deeds and there would have been a “remove and replace” and the temporary pins were only for right of way purpose.

Seth Hopkins stated the Pearl Street bioswales look different from Park Street and asked if curbing is happening. Dave Atherton stated these bioswales are different as they are two different approaches. With the stormwater master plan that listed the prone areas, Park Street's would sit between the curb and would mitigate the water going down the street. Because there is very little curbing on Pearl Street, this is more of a sediment type issue. Mr. Atherton noted that this project is 100% funded through the Natural Resources of Rutland County and is the same result but a different way for water shed. Mr. Hopkins also asked the status of the trailhead parking on Churchill Road. Mr. Atherton reported it is completed and people are using it. Mr. Hopkins asked if the Town is taking on the road only and Mr. Atherton noted it is only a portion of the road as it turns into a Leicester road. If the State would like to continue to fund the work, the Town will do the work. The parking area was overgrown and they wanted to dig it out and rebase it as a one-time project. This is a Class 4 road and the Town will not be plowing it to Fay Road. Mr. Atherton noted this has been a good working partnership with the State on this project.

Jack Schneider noted that Hannaford's is proposing to do some construction and asked if there is a drainage system in the back of the property. Dave Atherton was not sure where they would drain as it would not be a town drain. Seth Hopkins stated the drainage structures belong to the property owners and the work will be done behind the building. Mr. Atherton noted they will likely have site plans that can be reviewed.

4. Public Comment and Participation

There was no discussion held.

5. BLSG Resolution Discussion

Seth Hopkins stated the Board received a resolution and the original organizing agreement from the BLSG, and the resolution refers to the organizing agreement. Wayne Rausenberger noted he was present to answer any questions the Board has on the resolution. The BLSG is looking for suggestions from the towns' Select Boards. The changes have not been approved yet and they are still taking suggestions from the towns. Mr. Hopkins noted the BLSG is looking for comment and suggestions and some of the changes are wording changes while a couple of the changes are substantive. The Select Board did not have any further suggestions or issues with the resolution.

Mr. Rausenberger will report back to the BLSG that Brandon Select Board has no problem with the proposed resolution and no vote was required at this time. Mr. Hopkins stated as outlined in the BLSG agreement, once it is approved by the BLSG it will be brought back to the towns' Select Boards for approval.

a) Energy Committee Update

Jim Emerson reported the Energy Committee has supported the idea of Solarfest coming to Brandon and there is great headway with their interest. The property of interest is the State land by the water tower that requires negotiations with the State. Mr. Emerson has researched this process and it requires either a sale or a long-term lease. Representative Shaw advised it is an arduous process and entails two sections of VT law, Title 10 and Title 29. All leases typically are run through the Legislature; however, anything longer than a 10-year lease must go through the legislative process. The longest lease he had done when on the committee was a 35-year lease for solar panels for the Windsor prison. Should it be decided the Town wants to move forward, it will probably take 12 months to put it in the bill process and it could possibly get in the Capital Bill Adjustment Act but that would have to be done by October. That would just give BGS the ability to sell the land at fair market value. Mr. Emerson stated he has passed the ball on the negotiations with Solarfest to Bill Moore. He stated the Town could have longer term interest in the land for such things as community solar for low-income solar as there are many people that do not have a suitable site for solar and the participants of the community solar could pay from their energy savings. This would also be a desirable option to assist in achieving the energy goals. The site has 3-phase and may have enough substation capacity. GMP knows it will need to increase its capacity for these types of projects. Mr. Emerson suggested the Town send a letter to the Department of Buildings and General Services and he asked the Select Board to initiate the letter and have Mr. Moore or Mr. Atherton talk with Representative Shaw on this subject. The Energy Committee would like to bring Solarfest to Brandon. Seth Hopkins asked if the desired outcome is for the Town or Solarfest to lease from the State. Mr. Emerson suggested leasing the property from the State and then sublet 30 acres to Solarfest. Mr. Hopkins asked if the State is going to want the Town to outline the goals for the remainder of the property and Mr. Shaw indicated they would. Tim Guiles suggested it could be a potential solar site with possibly using the ARPA funds or a site for a community solar site. Mr. Emerson stated the municipality needs a 500-kilowatt system and it will likely need 20 times that as it determines what will be needed in 2050 in meeting the renewable energy needs. If the Town is going to meet the goals, it needs the capacity to do that, and this land could be a prime location as it is remote and meets a lot of criteria. Dave Atherton stated Mark O'Grady referred him to Jennifer Fitch, the Commissioner of Buildings and General Services, to discuss what the options are. It would require a vote of the townspeople if purchasing property, but he does not know if this includes a long-term lease. He noted the property has an assessed value is \$186,000 and an appraisal would need to be done. Mr. Atherton has also spoken with authorities concerning the option of putting a solar project on a closed landfill and was advised that the State is now allowing this, and he will be receiving information on this subject. Mr. Atherton thought this should be considered as the Town already owns the property. Mr. Emerson stated the Energy Committee is clarifying their goals both short-term and long-term and want to prioritize where the Town is now and where it wants to go. Their mission is to make the opportunities clear so that the Select Board feels pulled to accomplish them. Mr. Shaw spoke with Stephanie Jerome and advised if the Board wants to inquire to

Building and General Services, it was suggested to write the Commissioner and provide an outline of what the plan is. Mr. Hopkins suggested the Board could request the Town Manager write a letter to the department and run this suggestion through the Town's attorney to determine if a vote would be required for a long-term lease.

Motion by Tim Guiles/Tracy Wyman to request the Town Manager write a letter to the Commissioner of Buildings and General Services regarding the parcel that surrounds the water tank near Park Village and inquire to the Town's attorney regarding long-term leasing. **The motion passed unanimously.**

Mr. Atherton stated this has been discussed in the past and he had planned to speak with Jennifer Fitch tomorrow. Neil Silins stated there had been the possibility of putting solar on landfill and asked if that is close to 30 acres. Mr. Emerson noted that 3-phase power is needed and there is only 1-phase there and the Town could only put in a 150-kilowatt system there. Mr. Atherton stated it is land the Town owns and if an array can be put there, it might be possible to see what it costs to run 3-phase to that location. Mr. Wyman thought that 3-phase may run as far as the Hayes property. It was noted that GMP would need an application from the Town to commit to a project. Mr. Emerson stated GMP has softened its commitments as they have some huge mega-systems coming and they do not want to commit to large substation improvements. He is not sure what the capacity would be for the state-owned land but noted that Brandon has a very favorable 3-phase capacity and a diminishing substation capacity. Mr. Atherton asked where the tie in would be, and Mr. Emerson stated it would be at the Arnold District Road. Mr. Atherton noted it would require easements from property owners to be able to do this. Mr. Guiles suggested having a discussion with the planners at GMP to determine what their goals are, and it is hoped they would see the Town as a positive source to work with. Mr. Atherton will reach out to his contacts at GMP.

6. Consider Closing a Portion of Park Street on September 11th from 5PM to 7PM

Seth Hopkins reported this is a request from Point Counterpoint camp that had been discussed at the last meeting and additional information has been received for implementing the request in a safe way.

Motion by Tim Guiles/Brian Coolidge to proceed with closing of Park Street from the intersection of Park/Marble/High streets to just east of Celebration Rentals from 5PM to 7PM on September 11th under conditions of not parking in the traveled roadway and Point Counterpoint providing staffing at both ends of the closure. **The motion passed unanimously.**

Dave Atherton will contact Jenny Beck to confirm the approval of the closure.

7. Consider Appointment of VLCT Annual Meeting Voting Delegate

Seth Hopkins reported Mr. Atherton will be attending the VLCT's annual meeting on September 29th in South Burlington. Mr. Hopkins requested the Board consider the appointment of a voting delegate for this meeting.

Motion by Tracy Wyman/Brian Coolidge to appoint the Town Manager as the VLCT voting delegate to the annual VLCT meeting. **The motion passed unanimously.**

a) Committee Vacancy Announcement on Energy Committee and Planning Commission

Seth Hopkins reported Edna Sutton has submitted her resignation from the Energy Committee and Allie Breyer had submitted her resignation from the Planning Commission in July. Per the most recently adopted board policy, letters of interest will be encouraged for those interest in filling board and committee vacancies, with the Select Board making the appointments at a subsequent meeting. Mr. Hopkins thanked all who volunteer to serve on committees and boards for the Town.

8. ARPA Funds Discussion

Dave Atherton did not have an update on what the amount of the funds will be from the county allotments. Butch Shaw noted the State allotment has not been received yet. The Treasury Department has been provided the authority to parse out the county allotments to the towns. Mr. Atherton reported the Town is supposed to receive \$390,000 and have received a check for \$196,000 so far. There could be a possibility that the county may spend a portion of what is provided to the county prior to parsing out the funds to the towns. Seth Hopkins stated this will influence which projects will be viable and he did not feel the Board is urgent to obligate funds until that time. Wayne Rausenberger suggested replacement of the two picture windows in the town office. Dave Atherton reported he will be having a meeting with a construction company this Thursday to discuss the replacement of all the windows in the town office. Mr. Atherton advised this would also qualify under capital projects for the Local Options Tax funds. Tim Guiles suggested the Board should be developing a process for the projects. Mr. Hopkins noted the Board does have a process in place but without knowing what the amount will be, it is difficult to move forward with more, but it appears that some solar, Union Street, affordable housing and the town garage are the potential projects. Jim Emerson stated the solar application needs to get submitted the sooner the better as GMP might commit to another project. Tracy Wyman stated with his solar projects, the company that he dealt with took care of the application. Mr. Atherton thought the Town is doing a good job at seeing a lot of projects being brought to reality. Mr. Atherton advised he will work with Shawn regarding Union Street as it is a matter of calling an engineering firm about possible costs. Solar and the town garage are Mr. Atherton's top two suggestions and he felt that planning it out is going in the right direction. Mr. Guiles asked if the list could possibly be brought down to three. Mr. Atherton stated with affordable housing, the Town would have to acquire land. Mr. Guiles stated the affordable housing suggestion is more of redoing the housing stock that exists and not creating new housing. Butch Shaw stated the legislative delegation met with the housing people in West Rutland and had a productive conversation. The State will be funding for weatherization, and Mr. Shaw suggested the Town talk with Neighborworks and BROOC as they are sitting together now to come up with a comprehensive plan for the county to look at existing and new stock. It is a process that is currently underway and is in the infant stages of planning. Mr. Hopkins stated a lot is related to energy efficiency and weatherization. Mr. Guiles noted Bill Moore had suggested this be set up as a non-profit that could request ARPA funds and accept donations from other entities or individuals. Jack Schneider has talked to BROOC and Neighborworks and noted BROOC

usually has a backlog of projects, however currently they do not. They can renovate a normal house for about \$8,500 that includes weatherizing, insulation and heat pumps, and for low-income households there is no cost. Mr. Schneider has information on the program that the Energy Committee wants to get out to people. Mr. Atherton reported the town office has brochures for Neighborworks and BROOC. Mr. Hopkins questioned if the Town would be replicating the efforts that are already being made by BROOC and Neighborworks. Mr. Schneider thought all homes in Brandon should be weatherized and agreed the programs are out there, but people are not familiar with them. There could be efforts to identifying homes and work with BROOC and Neighborworks, but it does not have to be a town project. Mr. Emerson advised the Energy Committee is looking to educate the community on these programs. Mr. Schneider advised Efficiency Vermont works through loans whereas BROOC has grants. Mr. Emerson stated people are missing out on huge opportunities and the Town needs to assist in getting the word out. Tim Guiles suggested removing the Union Street project from the list. Tracy Wyman suggested getting the list down to two options with removing affordable housing and the Union Street project. Mr. Hopkins stated the Board will continue the concept around the highway garage and town solar, not to the exclusion of the Town supporting energy efficiency and weatherization projects best done through outreach by the Energy Committee.

9. Backhoe Replacement Funding Discussion

Dave Atherton reported Shawn has been obtaining quotes for heavy equipment and has talked to Milton Cat, Beauregard Equipment and Nortrax for a new backhoe. Mr. Atherton advised that all three quotes are around the same price, but the warranties are somewhat different. Shawn would like to check out the equipment from the three vendors and Mr. Atherton requested the Select Board consider the use of the Local Option Tax fund for the purchase of the new backhoe as it falls under the Charter. There would be no taxpayer cost and could be purchased outright. Tracy Wyman asked what is in the Option Tax fund. Mr. Atherton advised that the Town has \$448,000 in the fund. He thinks there are other areas the funds could also be used. Mr. Wyman asked if it would be better to purchase an excavator. Mr. Atherton noted that Shawn did not think so because a backhoe can be driven, and the bucket can be useful. The Town has rented an excavator from G. Stones in the past, and they were great to deal with and because the Town's backhoe is old and parts are loose, it is more practical to replace. Shawn is more concerned with stability, and he is recommending the Case option, and it has the best warranty. It was noted the Town also has other Case equipment. Tim Guiles stated he recently read an article about a city going all electric with their construction equipment. While he is not suggesting it is going to work this time, he would like to see this option explored to compare the electric option to the specs the Town wants and noted it would be good trial run to determine what this type of option would be. Mr. Atherton stated he has not heard anything from the distributors about electric options. Mr. Guiles volunteered to research to determine contacts for the Town to obtain information on electric options. Mr. Wyman suggested asking the current distributors what their options might be in that area as he would lean towards something that is already established. Seth Hopkins noted the Select Board does not need a plan for the Local Option tax funds, but he does not want it to be an unrestricted fund. The Charter does give it some guardrails that were determined and suggested possibly getting a little more formal for its use. The expressed position of the Board had previously been for its use for Segment 6 and now that it is over there needs to be direction or focus. Mr. Atherton suggested taking items that were normally in the operating

budget that have a high dollar like paving equipment or building expenses and use it to offset the burden to the taxpayers. He noted that if we need equipment and there is funding available, it appears to be good reason to use it.

Motion by Tracy Wyman/Brian Coolidge to authorize the Town Manager to use the Local Option Tax fund for the purchase of a new backhoe not to exceed \$127,500.00. **The motion passed unanimously.**

10. Request for Use of Local Option Tax Fund

Dave Atherton stated the balancing change order for Segment 6 that was left for the bridge that was added to the project. Mr. Atherton noted he was not sure of the amount requested by Ms. Gage, but noted if the full amount is not needed, the money can be placed back into the Local Options Tax fund.

Motion by Tracy Wyman/Tim Guiles to authorize the Town Clerk to transfer \$14,412.12 from the Local Option Tax fund to the Fund 46 Route 7 matching fund and make it a prior fiscal year transaction. **The motion passed unanimously.**

11. Fiscal

a) Warrant FY 2021/2022 – August 23, 2021 - \$1,247,832.32

Motion by Brian Coolidge/Tracy Wyman to approve the warrant of August 23, 2021, in the amount of \$1,247,832.32. **The motion passed unanimously.**

Dave Atherton reported the \$1 million warrant is for the OVUU school district. It was noted there were also appropriations included in the warrants.

Seth Hopkins reported there was information provided by the Town's treasurer on the Town's certificates of deposit and noted that Ms. Gage is trying to maximize the Town's interest and Mr. Hopkins stated the Board appreciates these efforts.

10. Adjournment

Motion by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:31PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary