

**Brandon Select Board Meeting**  
**August 9, 2021**  
**7:00 p.m.**

The Brandon Select Board will meet Monday, August 9, 2021 at 7:00 p.m. at the Brandon Town Hall located at 1 Conant Square expecting to consider the items noted on this agenda. Agendas shall be posted on the community bulletin board located at the Town Office at 49 Center Street and on the community bulletin board located at the Junction Store & Deli at 2265 Forest Dale Road. The Select Board reserves the right to add additional items, if necessary, at the beginning of the meeting.

Interested parties may also attend this meeting electronically:

- Video Conference via ZOOM: Meeting ID (253 279 4161)
- Conference call: Dial (929) 205 6099

- 1) Call to Order
  - a) Agenda Adoption
- 2) Approval of Minutes
  - a) Select Board Minutes – June 28, 2021
  - b) Special Select Board Minutes – July 21, 2021
  - c) Select Board Minutes – July 26, 2021
- 3) Town Manager's Report
- 4) Announcements
  - a) Memorial Service to Honor Vermonters Lost to COVID-19
- 5) Public Comment and Participation
- 6) BLSG Resolution Discussion
- 7) ARPA Funds Discussion
- 8) Fiscal
  - a) Warrant FY 2020/2021 – August 8, 2021 - \$58,625.19
  - b) Warrant FY 2021/2022 – August 9, 2021 - \$60,331.72
- 9) Adjournment

**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 14<sup>th</sup> Select Board Meeting. **The motion passed unanimously.**

**3. Town Manager's Report**

Dave Atherton provided a report for the week of June 21<sup>st</sup>, 2021:

The Segment 6 final walk-through was done with VTrans, Casella, Fuss & O'Neil, and Dubois & King on June 25<sup>th</sup>. 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 21<sup>st</sup> 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](http://brandonrec.com).

Don't forget the July 3<sup>rd</sup> 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 15<sup>th</sup> for municipalities to apply for the funding. The Town has already applied for the grant on June 9<sup>th</sup>. 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 1 V.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

**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



Lee and Margaret Kahrs  
3122 Franklin St.  
Brandon, Vt.

July 12, 2021

To the Brandon Select Board:

We contend that the Brandon Select Board has violated Vermont's Open Meeting Law by amending an existing ordinance without public knowledge or input per state statute 24 V.S.A § 1972 regarding the requirements for adopting, amending or repealing a municipal ordinance (see VLCT link included).

On July 27, 2020, the Brandon Select Board adopted and approved the town's updated Animal Control Ordinance, which included the addition of eight points as an addendum to the town's existing animal control ordinance (see ACO eight points attached). The eight points were never uploaded to the town website and that the town select board, the town manager and the police chief changed the expectations of the Animal Control Officer position after the eight points were adopted without holding the required public hearings or public meetings needed to do so.

Margaret was the town Animal Control Officer, appointed in January 2020 and dismissed in January of this year. During a meeting with Selectboard Chair Seth Hopkins, Selectman Doug Bailey and town attorney Coni Pell on Nov. 13, 2020, which Margaret recorded with the knowledge of everyone present, Seth Hopkins referred to the eight points for clarification regarding the ACO position. Specifically regarding to point five ("...work at all times in collaboration with the Brandon Police Department"), Margaret was told to work with the police department in all cases, and if she did not get a response from the police department, to delay action regarding an animal control call.

During that meeting, Seth Hopkins and Doug Bailey read a statement from Police Chief Chris Brickell stating that Chief Brickell wanted the board to issue a directive that confirms that Margaret is "to enforce regulatory issues such as licensed and nuisance calls, but all welfare and neglect concerns, he wants you to go through the police department."

Seth Hopkins then said, "To me, that clarifies it." Those statements from the chief and the select board chair support a change in the updated animal welfare ordinance and the eight points adopted at the July 27, 2020 public meeting.

On Dec. 4, 2020, Margaret requested a job description from Town Manager Dave Atherton to clarify her role following what she was told at the Nov. 13, 2020 meeting with Seth Hopkins, Doug Bailey and Coni Pell.

On Dec 14, 2020, the select board unanimously approved a motion requesting “the assistance of the Town Manager for the supervision and evaluation of officials the Select Board is required by statute to appoint, specifically the Zoning Administrator, the Animal Control Officer, and the Rental Code and Health Officer, similar to the supervision provided by the Town Manager to the other paid staff of the Town (see minutes link included).

On Dec. 16, 2020, Atherton sent Margaret a job description (see Animal Control Officer Job Description PDF attached) It stated, “The Animal Control Officer will run a responsive animal control program that both meets the needs of this community and conforms to Vermont’s Animal Control Regulations and Brandon’s ordinance as they are written and as they are practiced.”

With the eight points, the town ordinance empowers the Animal Control Officer as a humane agent and allows them to enter a property to investigate and potentially seize an animal the ACO believes to be abused or neglected, per state statute. But Atherton’s Animal Control job description only mentions what is written in Brandon’s ordinance, excluding the eight points:

“The Animal Control Officer is responsible for regulating the keeping of animals (such as dogs, cats, and other domestic types) and catching such animals if they’re running at large, and if they cannot be returned to their owner, to see those animals impounded for their health and safety and that of the community, and to deal with not-on-a-farm animals creating a nuisance as defined in the Town of Brandon Animal Control Ordinance.”

In his email, Mr. Atherton also directs Margaret to “report any suspected criminal activity, whether domestic or agricultural, such as neglect or abuse, to the Brandon Police Department, who will then proceed with investigations to determine if any charges are applicable.”

Margaret sent Atherton an email on Dec. 21, 2020 (See Atherton email 12-21-20 attached) questioning Dave Atherton’s latest directive regarding her responsibilities and her continued frustration over unanswered questions. She asked how the “ordinance could be made publicly and then changed behind closed doors.” She noted a recent case where the Brandon Police responded to an animal welfare call on Newton Road after a neighbor called in her concerns about a dog tied outside. It was a property Margaret was told not to revisit after making an initial welfare call there in early 2020. In her email to Atherton, Margaret asked if the police knew the Vermont Animal Welfare statute regarding dogs being tied outside, that issues at that property are obvious by simply driving by the property and that she had had concerns about the animals on the property for a year, but “no concerns were found” by the police.



“13 VSA subsection 352, 4, and 13 VSA subsection 003 a, (f)1 and 3 clearly define the state requirements for the issues brought forth by the caller. I am told there were no concerns found, yet I drove by there yesterday and could see clearly that 13 VSA subsection 352, 4 was not in compliance.”

Atherton responded by telling Margaret her “accusations against the police department, the select board and (Atherton) are out of line and (her) comments (sic) are inexcusable and inaccurate.”

“The direction the Select Board has given the ACO has not changed since the adoption of the new ordinance. You obviously feel that you should be given more authority than the ordinance has granted the ACO and that is not going to happen.”

Three weeks later, on Jan. 11, 2021, the Brandon Select Board voted 3-2 to dismiss Margaret as the ACO.

The town’s existing animal control ordinance is on the town website but the eight points are still nowhere to be seen. When asked in March why the eight points weren’t on the town website, Seth Hopkins said that he didn’t know why and that he would ask Dave Atherton about it. When Margaret communicated with Doug Bailey in April 2021 via Messenger regarding the eight points missing from the website, Seth Hopkins told him that he (Hopkins) did not see that it was pertinent now to add the eight points to the website because Margaret is not longer the ACO and the eight points specifically mention her. They do not.

After reviewing all of the board agendas and minutes on the town website from October 2020 to the present, we have not found any public warning of a board meeting or an agenda item regarding amending the Animal Control Ordinance by removing the eight points that were approved and adopted by the Brandon Select Board on July 27, 2020 (see minutes attached),

Lack of public notice and the lack of a public meeting to inform Brandon voters of an ordinance amendment violates state statute and Vermont Open Meeting law.

Those eight points were adopted but never published or allowed to be put into practice, nor was the ACO allowed to operate under the scope of the eight points, even though the board adopted them based on recommendations from Margaret and after two public hearings.

We request that the select board and the town manager acknowledge that the town Animal Control Ordinance was amended without public knowledge, comment or approval, thus violating Vermont’s Open Meeting Law. We also request that the board

rectify the situation by scheduling a public hearing on the issue, clarifying exactly what Brandon's Animal Welfare Ordinance is and is not.

Awaiting your response,

Lee and Margaret Kahrs  
3122 Franklin St.  
Brandon



**SELECTBOARD**

SETH HOPKINS, CHAIR  
DOUG BAILEY, VICE-CHAIR  
TRACY WYMAN, CLERK  
BRIAN COOLIDGE, SELECTMAN  
TIM GUILLES, SELECTMAN

Date: 22 July 2020  
To: Selectboard, Town Manager, Chief of Police, Animal Control Officer  
From: Seth Hopkins & Tim Guiles (subcommittee)  
Subj: Animal Control Ordinance Recommendations

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Considering suggestions made at the public hearing on 13 July 2020 and further review of Vermont statute, to aid the selectboard regarding the Town's animal control ordinance, WE RECOMMEND:

- 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 poundkeeper, 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.

Respectfully submitted.





**SELECTBOARD**

SETH HOPKINS, CHAIR  
TRACY WYMAN, VICE-CHAIR  
MIKE MARKOWSKI, CLERK  
BRIAN COOLIDGE, SELECTMAN  
TIM GUILLES, SELECTMAN

Date: 19 July 2021  
To: Lee and Margaret Kahrs, 3122 Franklin St, Brandon VT 05733  
From: Seth Hopkins, Chair of Selectboard  
Subj: Your letter dated 12 July 2021 sent to the town manager and board chair

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The Vermont League of Cities and Towns provides in its *Selectboard Handbook* the following definition of an ordinance from a Vermont court case which has stood as precedent for more than one hundred years: an ordinance is "an expression of the municipal will, affecting the conduct of the inhabitants generally, or a number of them under some general designation" (emphasis added).

Ordinances, in other words, are outward-facing (public-oriented) and apply to the general population of the Town.

Policies, on the other hand, are inward-facing (internally-oriented) and apply to not the public but to a limited class, such as, in the case you raise in your letter, a single appointee of the board.

The interpretation above is consistent with VLCT's official position as expressed during in-person trainings by VLCT staff attorneys which I have completed.

The "eight points" memo dated 22 July 2020 from a subcommittee of two to the board, town manager, police chief, and animal control officer clearly falls into the classification of *policy* and not the classification of *ordinance*. It applies not to the public but to one appointee of the board in the performance of her official duties. It was a guidance memo proposed in a properly-warned open meeting for the consideration of the board. The board discussed, with public comment, the content of the "eight points" memo and adopted it to provide direction to the only employee the board directly oversees, the town manager.

The "eight points" memo was published in the board packet prior to the 27 July 2020 selectboard meeting and remains available for viewing at the town website:

[https://www.townofbrandon.com/wp-content/uploads/2020/07/brandontownscanner@gmail.com\\_20200724\\_142542.pdf](https://www.townofbrandon.com/wp-content/uploads/2020/07/brandontownscanner@gmail.com_20200724_142542.pdf)

The meeting of 13 November 2020 made no changes to the animal control ordinance, which remains published in full and in effect. The statement from the chief of police referred to in your letter related to guidance for one appointee of the board in relation to other town staff, not to the public. The town manager's 16 December 2020 job description likewise made no change to the adopted ordinance but was a response to the request from the animal control officer to provide further guidance to the animal control officer.

The position of the Town is that no Open Meeting Law violation occurred because the animal control ordinance was properly adopted, and the eight points memo is not part of the ordinance but a management document relating to guiding the job performance of one public official and not to the public generally.

Respectfully submitted,



## **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

# Community-Suggested ARPA Projects Qualification Matrix

Proposed Project (Current ARPA Estimate to Brandon: \$390,008.76)		Perceived Need for Project: HI, MED or LO/NO	Project Impact: Wide, Moderate, or Narrow	Is there a COVID Nexus? HI, MED or LO/NO	Does ARPA Encourage, Authorize, or Prohibit ARPA funds to this?	Sufficient \$: ARPA Alone, WV Known Sources, or Doubtful?
1	Grants to property owners for energy efficiency work	Some need	Avail to some	Not really	Silent	Effcy VT
2	Loans to property owners for energy efficiency work	Some need	Avail to some	Not really	Authorizes	Effcy VT
3	Remove traffic lights in center of town	Low desire	Impacts all	Not at all	Prohibits	Probably
4	Capitalize Revolving Loan Fund for EcDev of Town	Some need	Avail to few	Yes	Authorizes	As-available
5	Bike or Walking Path at School, Estabrook Park, or Other	Low need	Avail to all	Not really	Authorizes	Possibly
6	Increase Supply of Affordable Housing	Some need	Avail to some	Somewhat	Encourages	\$\$\$\$
7	Grants to businesses	Many sources	Avail to few	Yes	Authorizes	As-available
8	Union Street Water and Wastewater	Identified	Benefits all	Public health	Encourages	USDA&VT
9	Create Community Center at Methodist Church	Elsewhere	Avail to all	Not really	Prohibits	Hist Presv.
10	Build a Passenger Rail "Whistle Stop" Station	Amtrak "No"	Avail to all	Not really	Encourages	\$\$\$\$
11	Town-wide Wi-Fi/Broadband	Some areas	Avail to all	Work/School	Encourages	\$\$\$\$
12	Neshobe River Park at Lower Falls	Greenways	Avail to all	Not really	Prohibits	Outdoor Rec
13	Electric police cruiser(s) / other town vehicles	If suitable	Benefits all	Not at all	Authorizes	Plenty
14	Additional town solar array at Industrial Park	Some need	Benefits all	Not really	Encourages	As-available
15	Carver Street sidewalks	Identified	Benefits all	Not at all	Prohibits	Town funds
16	Replace town highway garage	Identified	Benefits all	Not really	Authorizes	Town funds
17	Paving roads	Identified	Benefits all	Not at all	Prohibits	As-available

## **PRELIMINARY PROPOSAL FOR SOLAR FARM AT BRANDON'S CLOSED LANDFILL**

### **The need for additional solar generation for the Town of Brandon:**

The Town of Brandon has set a goal of meeting the State of Vermont goal of 90% reliance on renewable energy by 2050. To meet this goal significant steps must be made year by year towards reliance upon renewables, the most feasibly achievable being solar. Electric use by the town costs about \$145,000 a year, however through existing solar contracts it is currently reduced to a net of about \$100,000 annually. Given the success of the current solar generation contracts, it makes sense to seek further reductions of this \$100,000 cost burden to Brandon taxpayers.

Further, the Town currently relies on renewable energy sources for what we estimate is less than **5%** of energy used. (Our committee is in the process of determining this amount with more precision.) In broad terms, the town needs to implement steps to convert to renewables at the rate of about **3%** a year. We also believe that by setting the example for the rest of the town, movement toward the overall goal for the residential and commercial sectors of the town will be significantly furthered.

### **The Proposed System**

The Energy Committee proposes that a solar system be installed on the former town landfill. The scope of the system is constrained by the availability of 3 phase power which is .8 miles from the site and additionally limited by the substation capacity. The most proximate substation would allow about a 75kW system, making it impossible to justify the cost of extending the 3 phase power. However, a system based upon the onsite available single phase does appear to make sense and falls more clearly in line with the available funding. A system built to close to the capacity of single phase is likely to generate 180kWH a year. This translates roughly into savings of about \$30,000 a year, or about 30% of current usage. Based upon a 'back of the napkin' estimate from a well established Rutland solar contractor, such a system should cost under \$375,000. This suggests a 12 year payback on these funds. More importantly, from the taxpayer perspective, who has not had to invest these upfront funds, this simply translates into a 1.1% tax reduction for the coming 3 to 4 decades.

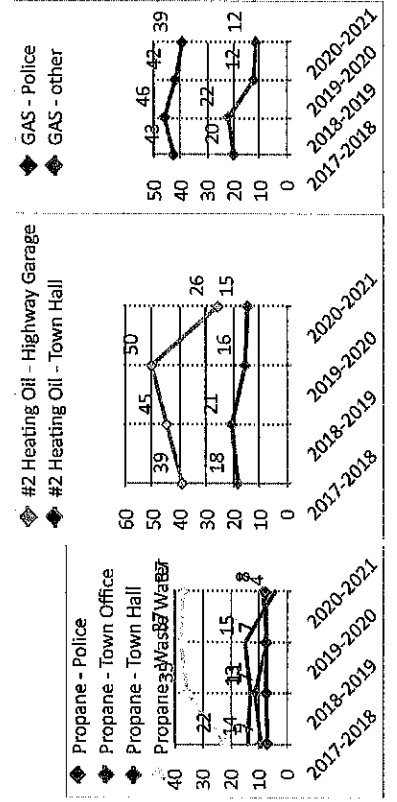
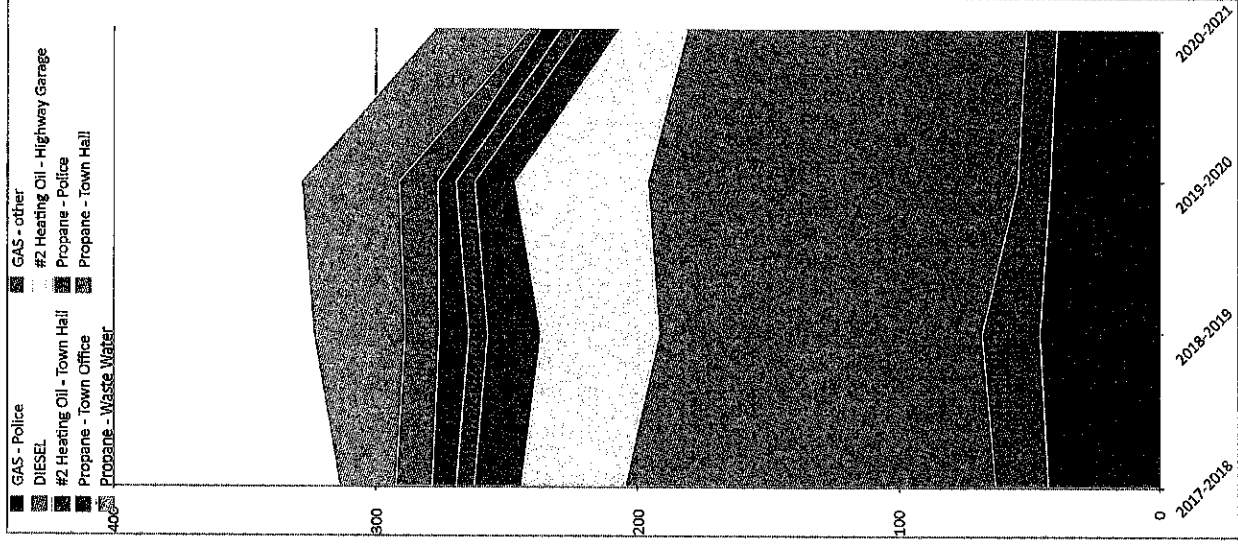
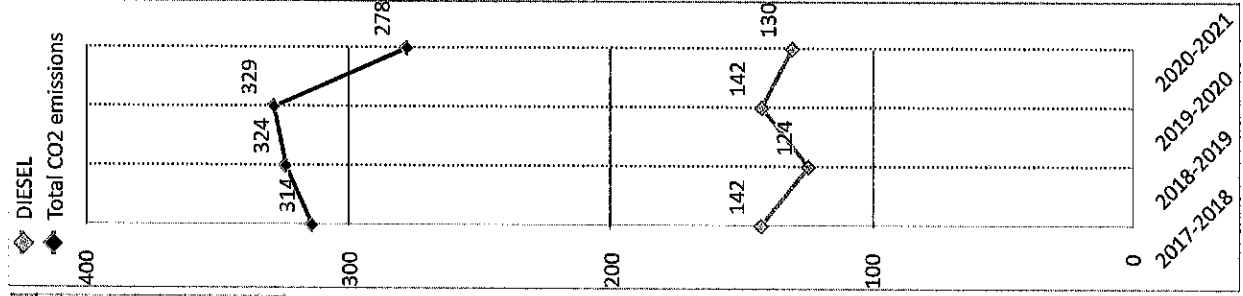
### **Next Step**

We encourage the town to take the first step of submitting a simple application with a modest fee to confirm that the system is approvable by Green Mountain Power based on their system capacities. This initial 'green light' can be secured within two days to two weeks once the application is submitted according to Green Mountain Power. The Energy Committee is prepared to support this application effort in any manner the Select Board or Town Manager requests.



# BRANDON CO2 emissions (CO2 equivalent, in metric tons)

	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
GAS - Police	42.6	45.9	41.9	39.3	0.0
GAS - other	20.1	22.0	12.4	11.6	0.0
DIESEL	142.4	124.2	142.1	130.3	0.0
#2 Heating Oil - Highway Garage	39.0	44.7	50.2	25.7	0.0
#2 Heating Oil - Town Hall	18.3	20.5	15.6	14.7	0.0
Propane - Police	6.9	7.2	7.2	7.3	0.0
Propane - Town Office	9.1	11.3	6.8	8.2	0.0
Propane - Town Hall	13.9	13.0	14.9	4.2	0.0
Propane - Waste Water	21.9	35.2	37.5	36.6	0.0
Total CO2 emissions	314.1	324.0	328.6	277.9	0.0



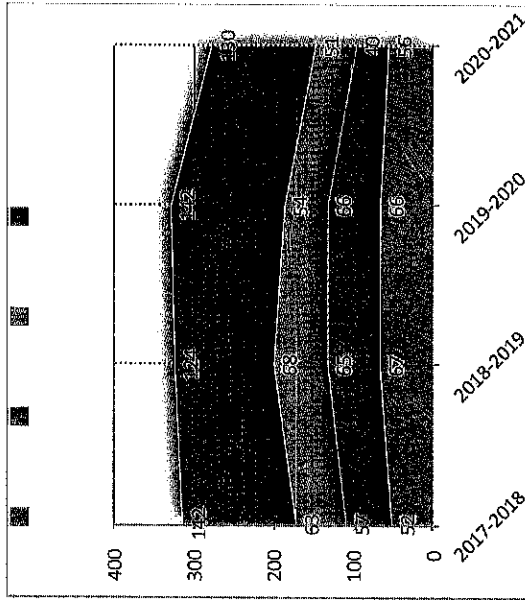


Table 1

	Propane	#2 Heating Oil	Gas	Diesel
2017-2018	124	51.8	57.3	142.4
2018-2019	124	66.7	65.2	124.2
2019-2020	66.4	66.4	65.8	142.1
2020-2021	56.3	56.3	40.4	130.3

## **Town Manager Report for the week of July 26<sup>th</sup> and August 2<sup>nd</sup>, 2021**

- Met with Aldrich & Elliot on the 4<sup>th</sup> for a design review and status meeting. Discussions were had on design, proposed new equipment, environmental review and schedule. Construction is tentatively scheduled to start the Spring of 2022.
- I have scheduled our first Shade Tree Plan/ Tree Inventory meeting with Joanne Garton from ANR Dept. of Forests, Parks and Recreation, Urban and Community Forest Program. Neil Silins will be joining us and possible Laura Peterson.
- The Governor is planning a visit on August 25<sup>th</sup> to hold a press conference on the 10 year anniversary of Tropical Storm Irene and to discuss all of our flood mitigation successes.

### **Rec. Dept. News**

- 2021 Brandon Carnival Days were a smashing success. Big thanks to sponsors Heritage Family Credit Union, Rutland Regional Medical Center, Nifty Thrifty, Smoke Rise Campground and OMYA. Many thank to our wonderful volunteers and shout out to the Brandon Fire Department for providing lights for our parking lot.
- Estabrook Rockfest was held on August 7<sup>th</sup>.
- Pre-Season Soccer Camp with the OV Girls Soccer team is on August 16-18. Only \$10.
- Flag Football Registration is open for grades 1<sup>st</sup> – 8<sup>th</sup>.
- Youth Soccer Registration for grades PK-6<sup>th</sup> is open

**Other items will be covered in the agenda.**

**From:** C.J. King <cjkingvt@gmail.com>

**Sent:** Tuesday, July 27, 2021 6:46 AM

**To:** [addisontown@gmavt.net](mailto:addisontown@gmavt.net); [albanytct@gmail.com](mailto:albanytct@gmail.com); [crystal@simonop.com](mailto:crystal@simonop.com); [townofalburgh@fairpoint.net](mailto:townofalburgh@fairpoint.net); [villageofalburgh@fairpoint.net](mailto:villageofalburgh@fairpoint.net); [clerk@vermontel.net](mailto:clerk@vermontel.net); [Robin.Wilcox@arlingtonvermont.org](mailto:Robin.Wilcox@arlingtonvermont.org);

**Subject:** COVID-19 Memorial Service

Dear Town Clerks,

I'm writing to let you know that a statewide COVID-19 memorial service is planned for Sunday, Sept. 19, at 3 p.m, on the Statehouse lawn. I am the lead organizer for the event, which is being planned by Vermont Interfaith Action. We want to publicize this event widely so that all can be included.

Would you please help us get the word out in two ways?

First, would you please forward the following notice to your town's select board, to be read publicly at their next meeting?

And second, would you please post the attached poster where the most people will see it?

Thank you very much for your help.

Blessings! ... C.J. King

--

Ms. C.J. King

Jamaica, VT

802-289-3131

[cjkingvt@gmail.com](mailto:cjkingvt@gmail.com)

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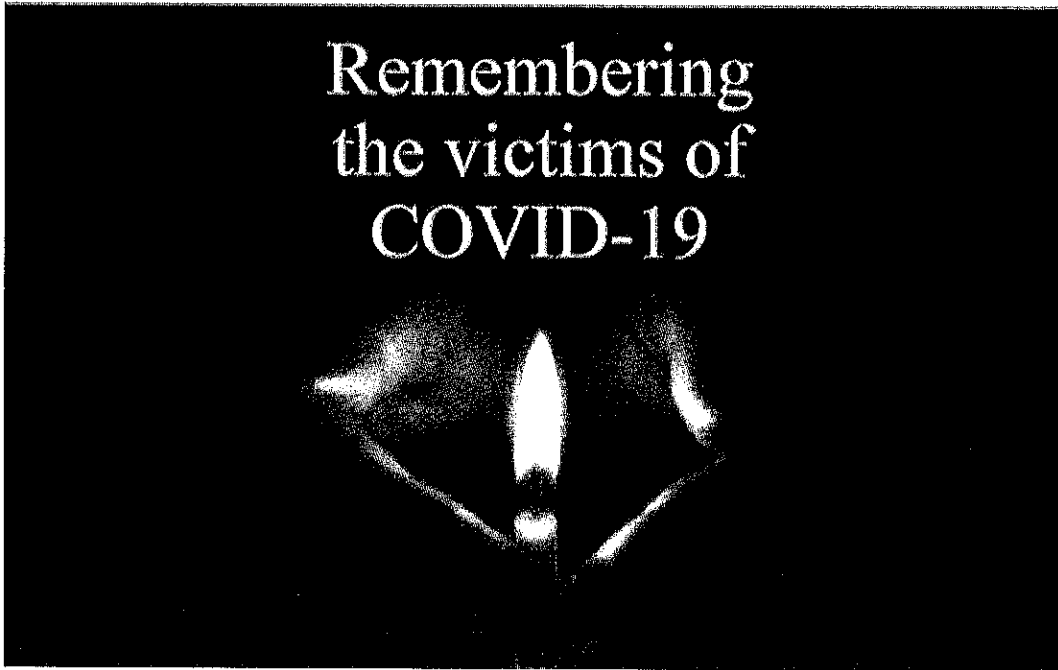
### **COVID-19 Memorial Planned to Honor Vermonters Lost**

MONTPELIER -- To honor Vermonters lost to COVID-19, Vermont Interfaith Action is hosting a memorial service on the Vermont Statehouse lawn in Montpelier at 3 p.m., Sunday, Sept. 19.

The heart of the event will be a ceremonial reading of the names so that each individual who has died of COVID-19 is recognized. In addition, various clergy will offer brief interfaith prayers and readings, and Governor Phil Scott has been invited to participate.

If you are a family member or are otherwise closely connected to a Vermonter who has died of COVID-19, and you would like to take part in the service, please contact Debbie Ingram at Vermont Interfaith Action, [debbie@viavt.org](mailto:debbie@viavt.org) or 802- 651-8889.

Remembering  
the victims of  
COVID-19



**All Vermonters are invited  
to attend a statewide memorial service  
to honor Vermonters lost to COVID-19,  
and to bring healing to our spirits.  
Includes a ceremonial reading of the names  
of all who have died.**

**Sunday, Sept. 19, at 3 p.m.  
Statehouse Lawn  
Montpelier**

**For information:  
Vermont Interfaith Action, 802- 651-8889**

## RESOLUTION

WHEREAS, under the provisions of Paragraph 7. of the Agreement to Create a Union Municipal District to be known as the First Brandon / Leicester / Salisbury / Goshen / Pittsford Insect Control District, as previously amended, any proposed amendments to the Agreement must be warned at least fifteen (15) days prior to the date of the meeting; and

WHEREAS, under the provisions of said Paragraph 7., any proposed amendments to the Agreement shall first be adopted by two thirds (2/3) of the members of the Board of Trustees present and voting at a meeting of the Board; and

WHEREAS, under the provisions of said Paragraph 7., two thirds (2/3) of the legislative bodies of the member municipalities must approve any amendments within six (6) months of the approval of the Board of Trustees; and

WHEREAS, the Board of Trustees have been warned of these proposed amendments for more than fifteen (15) days.

NOW THEREFORE, it is voted this 19th day of August, 2021 by the two thirds (2/3) vote required by the Board of Trustees that the Agreement be amended as follows:

THAT the words FIRST BRANDON / LEICESTER / SALISBURY / GOSHEN / PITTSFORD be replaced by the words OTTER CREEK WATERSHED so that the title shall read "AGREEMENT TO CREATE A UNION MUNICIPAL DISTRICT TO BE KNOWN AS THE OTTER CREEK WATERSHED INSECT CONTROL DISTRICT" and that in paragraph 1. of said Agreement the words "First Brandon / Leicester / Salisbury / Goshen / Pittsford" be replaced by the words "Otter Creek Watershed" and that in paragraph 2.A. of said Agreement the words "Brandon / Leicester / Salisbury / Goshen / Pittsford towns" be replaced by the words "Otter Creek watershed"; and

THAT in Paragraph 2.A. of said Agreement the words "and treatment" be added after the word "planning" and that the words "the Brandon/Leicester/Salisbury/Goshen/Pittsford" be replaced by "member" and that the words "black fly" be replaced by the words "other biting insect"; and

THAT in Paragraph 4.B. of said Agreement the words "Chairman, Vice-Chairman, TTreasurer" be replaced with the words "Chair, Vice-Chair, Treasurer"; and

THAT in Paragraph 5 of said Agreement the word "equally" be replaced with the word "equitably" and the words ", or portion thereof, or other sum, that it so elects." be replaced by the words "in a manner each municipality deems appropriate. Each town shall provide to the District the payment schedule the town will follow."; and

THAT in Paragraph 6.B. of said Agreement the words "a majority" be replaced by the words "two thirds (2/3)"; and

THAT a new Paragraph 7.A. be added to the Agreement to wit: "7.A. In accordance with Title 24 of Vermont statutes, any municipality which wishes to join or to withdraw from the District must first obtain approval from a majority of the voters in that municipality present and voting at a meeting of such municipality duly warned for that purpose."; and

THAT Paragraphs 7.A. and 7.B. in the existing Agreement be renumbered as Paragraphs 7.B. and 7.C. respectively; and

THAT in renumbered Paragraph 7.C. of said Agreement the words "six (6) months" be replaced by the words "two (2) months"; and

THAT the Secretary of the District be directed to submit this resolution to the legislative bodies of Brandon, Leicester, Salisbury, Goshen, and Pittsford for their approval in accordance with the provisions of Paragraph 7. of said Agreement.

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Secretary of the Brandon / Leicester / Salisbury / Goshen / Pittsford Insect Control District

**BY-LAWS OF THE  
FIRST BRANDON/LEICESTER/SALISBURY  
INSECT CONTROL DISTRICT  
(A union municipal district)**

**ARTICLE I - THE DISTRICT**

**Section 1. Governance of the District.** The District shall be governed entirely and exclusively by a Board of Trustees, consisting of two members and one alternate from each of the participating towns. Alternates are full participants in District business but only have voting privileges if a member of their town is absent. Each town Select Board must approve its representatives for the Board of Trustees. It is incumbent upon individual towns to provide Board members if they wish to be represented.

**Section 2. Office of the District.** The office of the District shall be located within one of the member towns, and shall be designated and may from time to time be changed by resolution adopted at any regular or special meeting of the Board of Trustees.

**Section 3. Members of the District.** As of June 21, 1989, membership in the District consists of the towns of Brandon, Leicester, Salisbury, and Goshen, Vermont. Towns may be added to the District if a) it is approved by the Board of Trustees of the District, and b) it is approved by the Select Board of the town to be added. The new town must meet a fiscal "buy in," the amount to be determined by the Board of Trustees of the District.

**ARTICLE II - OFFICERS**

**Section 1. Officers.** The officers of the District shall be a Chair, Vice-Chair, Treasurer, and Secretary.

**Section 2. Chair.** The Chair shall preside at all meetings of the District. Except as otherwise authorized by resolution of the District, the Chair shall sign all contracts, deeds, and other instruments made by the District. At each meeting the Chair shall submit such recommendations and information as s/he may consider proper concerning the business, affairs, and policies of the District. S/he shall prepare reports to be given at the annual meeting of the Board of Trustees in which s/he will review and explicate the business, affairs, and policies of the District and the Board of Trustees over the preceding year and any other applicable information.

**Section 3. Vice-Chairman.** The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair; in case of the resignation or death of the Chair, the Vice-Chair shall perform such duties as are imposed on the Chair until such time as the District shall select a new Chair.

**Section 4. Treasurer.** The Treasurer shall have the custody of all funds, property, and securities of the District, subject to such regulations as may be imposed by the Board of Trustees. The Board of Trustees may require the Treasurer to be bonded through the



District's insurance carrier in an amount to be determined by the Board. If the Board requires such a bond the Board is responsible for the cost of the bond. When necessary or proper, s/he may endorse, on behalf of the District for collection, checks, notes and other obligations, and shall deposit the same to the credit of the Corporation at such bank or banks or depository as the Board of Trustees may designate. S/he shall sign all receipts and vouchers, and, together with such other officer or officers, if any, as shall be designated by the Board of Trustees, s/he shall sign all checks of the District and all bills of exchange and promissory notes issued by the District, except in cases when the signing and execution thereof shall be expressly designated by the Board of Trustees or by these By-Laws to some other officer or agent of the District. S/he shall make such payments as may be necessary or proper to be made on behalf of the District. S/he shall enter regularly on the books of the District, to be kept by him/her for the purpose, full and accurate account of all monies and obligations received and paid or incurred by him/her for or on account of the District, and shall exhibit such books and perform all the duties incident to the office of the Treasurer subject to the control of the Board of Trustees.

**Section 5. Secretary.** The Secretary shall keep the records of the District, shall act as secretary of the meetings of the District and record all votes, and shall keep a record of the proceedings of the District in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his/her office.

**Section 6. Additional Duties.** The officers of the District shall perform such other duties and functions as may from time to time be required by the District or the by-laws or rules and regulations of the District.

**Section 7. Election of Officers.** The above officers shall be elected at the annual meeting of the District from among the members of the Board of Trustees, and shall hold office for one year, or until their successors are elected and qualified.

**Section 8. Vacancies.** Should any of the above offices become vacant, the District shall elect a successor at the next regular meeting of the Board of Trustees, and such election shall be for the unexpired term of said office.

**Section 9. Additional Personnel.** The District may from time to time, through its Board of Trustees, employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Agreement of the member towns establishing the District or all other laws of the State of Vermont applicable hereto. Their selection and compensation shall be determined by the Board of Trustees.

### ARTICLE III - MEETINGS

All meetings of the District will be conducted in accordance with the Vermont Open Meetings Law.

**Section 1. Annual Meeting.** The annual meeting of the Board of Trustees shall be held at the office of the District (or at such other place as may be designated by the Chairman) in November

of each year. In the event that for any reason the annual meeting is not held at the above time, the Chair may designate another date for holding of the annual meeting by notice in accordance with provisions for the calling of any special meetings as hereinafter provided. At the annual meeting, the officers for the ensuing year shall be elected, the Chair or other officers shall submit their annual reports, and any other business proper to come before said meeting shall be conducted.

**Section 2. Regular Meetings.** Regular meetings of the Board of Trustees shall be held at least once in each calendar month for transaction of business of the district during active mosquito season or as otherwise deemed necessary. The date, location, and time of said regular meetings shall be fixed, and may be subsequently changed with a minimum of seven days prior notice. Meeting notices will be sent to the Town Clerks of the member towns for posting in time to meet the requirements of the Open Meetings Law.

**Section 3. Special Meetings.** The Chair of the District may, when s/he deems it expedient, or upon written request of two members of the Board of Trustees, shall call a special meeting of the Board for the purpose of transacting any business designated in the call. The call for a special meeting shall be delivered to each member of the Board or may be mailed to such member at least two days prior to the date of such special meeting. However, if all of the members of the board are present at a special meeting and waive notice thereof, any and all business may be transacted at such special meeting. The time, place and purpose of a special meeting shall be sent to the Town Clerks to allow posting at least 24 hours before the meeting.

**Section 4. Emergency Meetings.** Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the Board.

**Section 5. Quorum.** A simple majority of the existing members of the Board of Trustees shall constitute a quorum for the purpose of conducting business of the District and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. An alternate counts toward a quorum only if one or more members from that town are not in attendance, upon which the alternate acts, for that meeting, as a member. When a quorum is in attendance, action may be taken upon approval by a simple majority of the Board of Trustees present, unless otherwise designated by law or by the agreement establishing the District.

#### ARTICLE IV: FINANCES

**Section 1. Source of Funds.** Annually the Board of Trustees shall prepare a budget and shall apportion charges equitably among all member towns, after appropriate allowance for all estimated revenues, and the Board shall submit such budget and the towns' share to each town. The District shall submit invoices to each town as appropriate with an expected date of payment. Failure of a town to pay in a timely manner may result in suspension of services to that town until payment is made.

## ARTICLE V - AMENDMENTS

These By-Laws may be amended, altered, or repealed and new By-Laws may be adopted at any regular or special meeting of the Board of Trustees by affirmative vote of three-quarters of its members, provided that a text of the proposed amendments, alterations, or repeals with new By-Laws to be adopted, is delivered or mailed to each of the members of the Board of Trustees at least seven days before the date of the meeting.

Amended By-Laws Approved by the Board of Trustees on the 2nd of May, 2013.

Gary K. Meffe  
Chair

Chair

*Pro Reader*  
Vice-Chair

Vice-Chair

W. Wayne Russell  
Treasurer

Treasurer

*Marion N. Brown*  
Secretary

Secretary

  
Town Representative

Town Representative

Town Representative

Town Representative

Town Representative

Town Representative

Town Representative

## **BRANDON ENERGY COMMITTEE**

### **REVISED PROPOSAL FOR BRANDON SOLAR INSTALLATION**

The Brandon Energy Committee respectfully requests that the Selectboard consider a greater commitment of funds to reliance on solar electric generation than our previous proposal called for. The basis of this request follows.

#### **A BRIEF UPDATE ON OUR ORIGINAL PROPOSAL**

We revisited the numbers of our original proposal with the owners of Same Sun of Vermont. They consider it feasible to establish a single-phase system at the landfill for \$360,000 which would build 150 kW's. That would produce savings of \$34,000 in electric bills a year. This translates into a 1.5% tax savings for all Brandon tax payers for each of the next 30 to 40 or more years. Realistically, more savings will result as GMP's rates increase during this period.

#### **REVISED AND IMPROVED PROPOSAL**

On learning that as much as \$1,000,000 in ARPA funds will be available, Same Sun indicated the following could be accomplished. They held they have a high degree of confidence in this:

Size of System – Three phase 500 kW's

Cost - \$1,000,000

Annual Electric Savings - \$122,000 per year (assuming no increase in GMP rates)

Life of System – Guaranteed 25 years, historically likely 40+ years

#### **MAKING IT PERSONAL**

This will translate into a 4.4% reduction in taxes for each individual Brandon taxpayer over the next 40+ years. That adds up to more than \$5,000,000 in savings. And more as GMP rates increase!!!

## THERE WILL BE HURDLES

A project of this magnitude will face hurdles. It does appear that both three phase and substation capacity are available for this project to be built on town property adjacent to the town's current solar farm. Alternative sites in this proximity may be available, should this town property have insurmountable complications.

Also, the window of opportunity to secure GMP approval is gradually closing. An application for the project filed with GMP can lock in the viability of this undertaking from GMP's approval process. Instead of waiting for a contractor who wins a bid to complete this application, Same Sun (or another solar provider) could be hired for a modest fee to get this application done relatively promptly.

Does the town need \$120,000 in electricity? The town currently pays for \$100,000 for its electric bill a year, so not now. However, in the years to come our electric usage needs to move toward 50% of all energy used by the town. Further, any excess generation could be used by the Fire/Water Department to assure the full benefits run to taxpayer savings.

## LEADERSHIP IS CALLED FOR

Moving to renewables has become very cost effective and serves our taxpayers well . . . to the tune of \$5,000,000 from our point of view. This solar project will produce ongoing savings for taxpayers starting the first year the solar field is turned on. Importantly, we hold that the solar project serves all taxpayers equally and equitably.

It is a new day of opportunity for Brandon. What better way to continue Brandon's upgrade and transformation as a town than to become a leader in reaching energy goals set by the State of Vermont?

08/06/21  
09:41 am

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63492 Prior FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 08/08/21 To 08/08/21

Page 1 of 1  
Jacolyn

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
310590	08/28/20	AMERICAN WINDOW CLEANING August 2020 windows 2480	10-5-22-43100 Town Office	25.00	49929	08/09/21
301071	05/28/21	CHAMBER AND ECONOMIC DEVE Regional Marketing-DBA/ED 975	10-5-21-75000 Economic Development	1250.00	49930	08/09/21
301071	05/28/21	CHAMBER AND ECONOMIC DEVE Regional Marketing-DBA/ED 975	10-5-21-75000 Economic Development	1250.00	49930	08/09/21
100788	07/26/21	NEW ENGLAND MUNICIPAL RES Lisa - June 48411	10-5-11-22140 Property Assessor	1140.00	49931	08/09/21
311061	05/18/21	TERRIER TENACITY LLC website rebuild 5/18/21	10-5-21-75000 Economic Development	2400.00	49932	08/09/21
200277	03/28/21	THUNDER TOWING & AUTO REC oil change 6609	10-5-14-41180 PD Vehicle Maintenance	55.29	49933	08/09/21
200277	04/13/21	THUNDER TOWING & AUTO REC tire change 6615	10-5-14-41180 PD Vehicle Maintenance	40.00	49933	08/09/21
200277	05/06/21	THUNDER TOWING & AUTO REC oil change 6648	10-5-14-41180 PD Vehicle Maintenance	55.29	49933	08/09/21
200277	04/30/21	THUNDER TOWING & AUTO REC windshield moldng,tire rp 6649	10-5-14-41180 PD Vehicle Maintenance	213.73	49933	08/09/21
200277	05/21/21	THUNDER TOWING & AUTO REC oil change 6683	10-5-14-41180 PD Vehicle Maintenance	46.33	49933	08/09/21
200277	06/20/21	THUNDER TOWING & AUTO REC oil change 6715	10-5-14-41180 PD Vehicle Maintenance	49.73	49933	08/09/21
100386	07/30/21	VERMONT AGENCY OF TRANSP Park St VTrans -overpymt PARK #6A	56-4-16-01000 Park St CA0513- Fed	52099.82	49928	07/30/21
Correction of overpayment of Bioswale funding.						
Report Total				58625.19		

Selectboard

To the Treasurer of TOWN OF BRANDON, We Hereby certify  
that there is due to the several persons whose names are  
listed hereon the sum against each name and that there  
are good and sufficient vouchers supporting the payments  
aggregating \$ \*\*\*\*58,625.19  
Let this be your order for the payments of these amounts.

FY 2020-2021

08/06/21  
09:41 am

TOWN OF BRANDON Accounts Payable  
Check Warrant Report # 63493 Current FY Invoices  
All Invoices For Check Acct 01(10 General Fund) 08/09/21 To 08/09/21

Page 1 of 5  
Jacolyn

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
301096	ADEFUNMI, STEPHANIE	07/29/21 refund - camp canceled	10-5-18-40040	154.00	49934	08/09/21
		07/29/21	After School Activity			
330390	ALL SERVICE	07/14/21 service contract	10-5-14-30130	550.00	49935	08/09/21
		AR61302	Service Contracts			
100015	ALLEN ENGINEERING & CHEMI	07/27/21 chlorine	20-5-55-50120	580.80	49936	08/09/21
		11152217901	Sodium Hypochorite			
311028	AMERICAN LEGION POST #55	07/28/21 appropriation	10-5-25-70170	6250.00	49937	08/09/21
		AUG 2021	American Legion Post #55			
310590	AMERICAN WINDOW CLEANING	08/03/21 July windows	10-5-22-43100	50.00	49938	08/09/21
		6179	Town Office			
300541	ARC RUTLAND AREA	07/28/21 appropriation	10-5-25-70330	875.00	49939	08/09/21
		AUG 2021	ARC of Rutland			
301097	BASHAW, MADDOX	08/04/21 Idol	10-5-18-61050	100.00	49940	08/09/21
		08/04/21	Brandon Carnival			
311015	BEN'S UNIFORMS	07/21/21 shirts	10-5-14-10320	251.00	49941	08/09/21
		098280	Clothing Allowance			
100245	BRANDON AREA CHAMBER OF C	07/28/21 appropriation	10-5-25-70140	250.00	49942	08/09/21
		AUG 2021	Chamber of Commerce			
100305	BRANDON AREA RESCUE SQUAD	07/28/21 appropriation	10-5-25-70130	7000.00	49943	08/09/21
		AUG 2021	Brandon Rescue Squad			
100275	BRANDON FREE PUBLIC LIBRA	07/28/21 appropriation	10-5-25-70470	7666.67	49944	08/09/21
		AUG 2021	Brandon Library			
100625	BRANDON INDEPENDENCE DAY	07/28/21 appropriation	10-5-25-70110	1500.00	49945	08/09/21
		AUG 2021	BIDCC -4th of July Com.			
100280	BRANDON LUMBER & MILLWORK	07/02/21 paint, rollers	10-5-22-43160	82.93	49946	08/09/21
		893397/3	Parks Maint.			
100280	BRANDON LUMBER & MILLWORK	07/19/21 auto latch, bolt cutters	10-5-15-41110	44.98	49946	08/09/21
		895850/3	New Equipment-Misc. Tools			
100280	BRANDON LUMBER & MILLWORK	07/23/21 scraper	10-5-22-43120	8.59	49946	08/09/21
		896517/3	Municipal Mowing-maint			
100280	BRANDON LUMBER & MILLWORK	07/29/21 volt tester	10-5-22-43160	8.59	49946	08/09/21
		897401/3	Parks Maint.			
100280	BRANDON LUMBER & MILLWORK	07/29/21 marking paint, trash bags	10-5-22-43170	31.98	49946	08/09/21
		897438/3	Trash costs-Transfer Stat			
100280	BRANDON LUMBER & MILLWORK	07/29/21 marking paint, trash bags	20-5-55-43160	12.58	49946	08/09/21
		897438/3	Maint. Supplies - General			
100280	BRANDON LUMBER & MILLWORK	07/29/21 tape, extension cords	10-5-18-61050	145.95	49946	08/09/21
		897491/3	Brandon Carnival			
100280	BRANDON LUMBER & MILLWORK	07/30/21 epoxy	10-5-22-43080	8.99	49946	08/09/21
		897555/3	Highway Bldg Maint			
100310	BRANDON SENIOR CITIZENS C	07/28/21 appropriation	10-5-25-70480	1125.00	49947	08/09/21
		AUG 2021	Senior Citizen Center			
301085	BROWN, TYLER	07/28/21 beaver removal	10-5-15-20240	310.00	49948	08/09/21
		072821	Contractors			
310712	CELEBRATION RENTALS, INC.	07/29/21 tent & chairs - carnival	10-5-18-61050	1125.00	49949	08/09/21
		18847-21	Brandon Carnival			
301503	CHAMPLAIN VALLEY FUELS	07/21/21 diesel fuel	10-5-15-41130	636.30	49950	08/09/21
		540314	Fuel - Vehicles HW			
301503	CHAMPLAIN VALLEY FUELS	07/27/21 gasoline	10-5-14-41130	572.41	49951	08/09/21
		540904	Fuel -- Vehicles			

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301503	CHAMPLAIN VALLEY FUELS	07/27/21 diesel fuel	10-5-15-41130	402.88	49952	08/09/21
		840903	Fuel - Vehicles HW			
301098	COLLIER, HILARY	08/04/21 Idol	10-5-18-61050	100.00	49953	08/09/21
		08/04/21	Brandon Carnival			
310097	COMCAST	07/21/21 service: 07/28 - 08/27	20-5-55-42100	191.49	49954	08/09/21
		WW 07/21/21	Wastewater Telephone			
301099	COTELL, WILLIAM	08/04/21 Idol	10-5-18-61050	100.00	49955	08/09/21
		08/04/21	Brandon Carnival			
310177	COTT SYSTEMS, INC.	07/28/21 august host fee	10-5-13-30123	250.00	49956	08/09/21
		141683	Records Preservation			
100470	CROSBY'S SALES & SERVICE	07/29/21 filters, oil, belt	10-5-22-43120	317.57	49957	08/09/21
		0066109	Municipal Mowing-maint			
301100	CROSSMAN, JESSICA	08/04/21 Idol	10-5-18-61050	100.00	49958	08/09/21
		08/04/21	Brandon Carnival			
310733	DENTON & SON	08/01/21 trash removal	20-5-55-50160	425.00	49959	08/09/21
		JULY2021	Sludge Disposal			
301101	DOTY, EMILY	08/04/21 Idol	10-5-18-61050	100.00	49960	08/09/21
		08/04/21	Brandon Carnival			
100456	DUBOIS & KING INC	07/30/21 S6- CI Progress rpt # 98	46-5-50-61200	2327.50	49961	08/09/21
		721270	RT 7 C.I. - Construction			
300466	DUNDON PLUMBING & HEATING	07/14/21 portable toilet @ Neshobe	10-5-18-30070	115.00	49962	08/09/21
		64123	Little League Expenses			
300466	DUNDON PLUMBING & HEATING	07/23/21 portable toilets/carnival	10-5-18-61050	1550.00	49962	08/09/21
		64442	Brandon Carnival			
300466	DUNDON PLUMBING & HEATING	07/28/21 portable toilets	10-5-18-60100	115.00	49962	08/09/21
		64546	Seminary Hill			
300466	DUNDON PLUMBING & HEATING	07/28/21 portable toilets	10-5-18-30070	115.00	49962	08/09/21
		64546	Little League Expenses			
100494	ENDYNE INC	07/23/21 testing	20-5-55-22120	25.00	49963	08/09/21
		378957	Testing			
100494	ENDYNE INC	07/30/21 testing	20-5-55-22120	135.00	49963	08/09/21
		379642	Testing			
100494	ENDYNE INC	07/30/21 testing	20-5-55-22120	25.00	49963	08/09/21
		379643	Testing			
330422	FERGUSON ENTERPRISES LLC	07/21/21 PVC for Mill Lane project	10-5-15-46130	44.92	49964	08/09/21
		1036607	Culverts			
100615	FISHER SCIENTIFIC COMPANY	07/27/21 buffers	20-5-55-30120	158.21	49965	08/09/21
		6236254	Professional Supplies			
300187	FLORENCE CRUSHED STONE	07/17/21 plant mix, dolomite	10-5-15-46140	274.41	49966	08/09/21
		230301	Gravel			
300187	FLORENCE CRUSHED STONE	07/24/21 stone & plant mix	10-5-15-46140	1508.46	49966	08/09/21
		230343	Gravel			
310933	FORMAN, PHOEBE	07/29/21 refund - swim, Isabelle	10-5-18-30000	35.00	49967	08/09/21
		07/29/21A	Swim Lesson Expense			
310933	FORMAN, PHOEBE	07/29/21 refund - swim, Olivia	10-5-18-30000	35.00	49967	08/09/21
		07/29/21B	Swim Lesson Expense			
300974	GRAPH-X INCORPORATED	08/05/21 tanks & tees	10-5-18-40090	456.00	49968	08/09/21
		4484	Cheerleading			
300974	GRAPH-X INCORPORATED	08/05/21 tanks & tees	10-5-18-61050	336.00	49968	08/09/21
		4484	Brandon Carnival			



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100725	GREEN MOUNTAIN GARAGE	07/16/21 windshield wash	10-5-18-20150	2.95	49969	08/09/21
		07/16/21	Vehicle Maint.			
100725	GREEN MOUNTAIN GARAGE	07/19/21 blade set, plier set	10-5-15-41110	45.33	49969	08/09/21
		170375	New Equipment-Misc. Tools			
100725	GREEN MOUNTAIN GARAGE	07/30/21 sealant, oil	10-5-15-41160	42.18	49969	08/09/21
		170928	HW Maint. Supplies-Vehicl			
310552	INNOVATIVE SURFACE SOLUTI	07/29/21 Proguard Mag	10-5-15-46150	4253.40	49970	08/09/21
		INV60428	Chloride			
310745	JACOBS, JAKE	07/16/21 swim lessons	10-5-18-30000	437.50	49971	08/09/21
		07/16/21	Swim Lesson Expense			
301102	KENNEDY, SYDNEY	08/04/21 Idol	10-5-18-61050	100.00	49972	08/09/21
		08/04/21	Brandon Carnival			
301103	KING, SAIGE	08/04/21 Idol	10-5-18-61050	100.00	49973	08/09/21
		08/04/21	Brandon Carnival			
310941	LAUGHLIN, DUANE	07/26/21 umpiring	10-5-18-30070	150.00	49974	08/09/21
		07/26/21	Little League Expenses			
300880	MARBLE VALLEY REGIONAL TR	07/28/21 july 2021-june 2022	10-5-17-71460	3500.00	49975	08/09/21
		0722003	Public Transit			
100451	MARYLAND BIOCHEMICAL CO I	07/14/21 degreaser	20-5-55-51310	354.58	49976	08/09/21
		7PP1066	Collection Systems			
301087	MCKAY, COLEY	07/26/21 umpiring	10-5-18-30070	200.00	49977	08/09/21
		07/26/21	Little League Expenses			
311024	MILLER HILL FARM	07/07/21 plants	10-5-21-75000	1228.50	49978	08/09/21
		07072001B	Economic Development			
310843	MISSION COMMUNICATIONS, L	08/04/21 serv package: Champlain	20-5-55-20240	407.40	49979	08/09/21
		1054225	Contractors			
310721	MORRISSETTE, JOE	07/26/21 umpiring	10-5-18-30070	100.00	49980	08/09/21
		07/26/21	Little League Expenses			
301083	MVP SELECT CARE INC	08/03/21 Jul 2021 - HRA	10-5-10-10218	5.00	49981	08/09/21
		2021-07	HRA Admin			
301083	MVP SELECT CARE INC	08/03/21 Jul 2021 - HRA	20-5-55-10218	5.00	49981	08/09/21
		2021-07	HRA WW			
301083	MVP SELECT CARE INC	08/03/21 Jul 2021 - HRA	10-5-18-10218	2.50	49981	08/09/21
		2021-07	HRA			
301083	MVP SELECT CARE INC	08/03/21 Jul 2021 - HRA	10-5-22-10218	2.50	49981	08/09/21
		2021-07	HRA			
301083	MVP SELECT CARE INC	08/03/21 Jul 2021 - HRA	10-5-13-10218	5.00	49981	08/09/21
		2021-07	HRA			
301083	MVP SELECT CARE INC	08/03/21 Jul 2021 - HRA	10-5-14-10218	7.50	49981	08/09/21
		2021-07	HRA PD			
301083	MVP SELECT CARE INC	08/03/21 Jul 2021 - HRA	10-5-15-10218	7.50	49981	08/09/21
		2021-07	HRA HW			
310795	NATIONAL BUSINESS TECHNOL	07/26/21 service contract printers	10-5-10-30130	54.73	49982	08/09/21
		IN434456	Service Contracts			
310795	NATIONAL BUSINESS TECHNOL	07/26/21 service contract copiers	10-5-10-30130	135.32	49982	08/09/21
		IN434457	Service Contracts			
310684	PAUL GAMBA PHOTOGRAPHY	08/05/21 Summer Art Camp	10-5-18-60120	1170.00	49983	08/09/21
		8052021	Summer Arts Camps			
301088	PETE'S TIRE BARNS, INC	07/16/21 front tires for backhoe	10-5-15-41170	568.00	49984	08/09/21
		005086	HW Tires - Vehicles			

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100492	07/28/21	appropriation AUG 2021	10-5-25-70210 Rutland Mental Health	1656.00	49985	08/09/21
311060	07/23/21	Carnival-gate pass,extra 406	10-5-18-61050 Brandon Carnival	250.00	49986	08/09/21
100006	07/28/21	appropriation AUG 2021	10-5-25-70190 SW VT Council on Aging	600.00	49987	08/09/21
310921	07/27/21	consulting fee 1102	10-5-10-30130 Service Contracts	360.00	49988	08/09/21
310099	07/28/21	appropriation AUG 2021	10-5-25-70430 Stephen A. Douglas Inc.	625.00	49989	08/09/21
311061	08/03/21	website redesign 4180	10-5-21-75000 Economic Development	480.00	49990	08/09/21
200277	07/08/21	brake repair 6727	10-5-14-41180 PD Vehicle Maintenance	120.00	49991	08/09/21
100682	07/13/21	parts to rebuild pump 661313	20-5-55-43160 Maint. Supplies - General	458.42	49992	08/09/21
100682	07/23/21	meter, membrane kit 673110	20-5-55-41110 New Equipment-Misc Tools	919.80	49992	08/09/21
301095	07/29/21	refund - camp canceled 07/29/21	10-5-18-40040 After School Activity	154.00	49993	08/09/21
330348	07/13/21	cell phones Jun 14-Jul 13 9884098749	10-5-21-10310 Travel & Expenses	20.24	49994	08/09/21
330348	07/13/21	cell phones Jun 14-Jul 13 9884098749	20-5-55-42100 Wastewater Telephone	40.48	49994	08/09/21
330348	07/13/21	cell phones Jun 14-Jul 13 9884098749	10-5-14-42100 PD Telephone Service	40.48	49994	08/09/21
330348	07/13/21	cell phones Jun 14-Jul 13 9884098749	10-5-18-42100 Recreation Telephone	20.24	49994	08/09/21
330348	07/13/21	cell phones Jun 14-Jul 13 9884098749	10-5-15-42100 HW Telephone	40.48	49994	08/09/21
330348	07/22/21	service: Jun 23 - Jul 22 9884677910	10-5-14-20233 MDT/Aircards	240.06	49994	08/09/21
100067	07/28/21	dog control - Kingston MAC2021-0343	10-5-10-10340 Professional Development	28.00	49995	08/09/21
100485	07/28/21	appropriation AUG 2021	10-5-25-70200 RAVNA	2550.00	49996	08/09/21
310046	07/07/21	mailers 221506757	10-5-14-30110 Office Supplies	43.98	49997	08/09/21
310046	07/26/21	folders, note pads 221975991	10-5-10-30110 Office Supplies	116.44	49997	08/09/21
310926	08/04/21	Idol 08/04/21	10-5-18-61050 Brandon Carnival	100.00	49998	08/09/21

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Vendor	Invoice	Invoice Description		Amount		Check	Check
	Date	Invoice Number	Account	Paid	Number	Date	Date
Report Total				60331.72			

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To the Treasurer of TOWN OF BRANDON, We Hereby certify  
that there is due to the several persons whose names are  
listed hereon the sum against each name and that there  
are good and sufficient vouchers supporting the payments  
aggregating \$ \*\*\*\*60,331.72  
Let this be your order for the payments of these amounts.

FY 2021-2022