

Brandon Select Board Meeting October 25, 2021

NOTE: These are unapproved minutes, subject to amendment and/or approval at the subsequent board meeting.

Board Members In Attendance: Seth Hopkins, Brian Coolidge, Tim Guiles, Tracy Wyman, Michael Markowski

Others In Attendance: Dave Atherton, Bernie Carr, Bill Moore, Jack Schneider, Mike Frankiewicz, Neil Silins, Chris Brickell, Jim Emerson

Other In Attendance Via Zoom: Stephanie Jerome, 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/Brian Coolidge to adopt the agenda, as amended. **The motion passed unanimously.**

Add Executive Session to discuss Police Union grievance under the provisions of 1V.S.A. 313 (a)(1).

2. Approval of Minutes

a) Select Board Meeting – October 11, 2021

Motion by Tracy Wyman/Mike Markowski to approve the minutes of the October 11th Select Board meeting. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided a report for the weeks of October 11th and October 18th.

Dave Atherton attended the VTCMA conference in Stowe on October 14th and 15th. The topics of discussion were Policing in Vermont, ARPA funding and Declaration of Inclusion. VLCT Executive Director, Ted Brady, presented a new strategic plan of priorities for the League. On the declarations, there are only 14 towns that have adopted it and Brandon was the second to adopt.

Road paving was completed last week on High Pond Road, Florence Road, Railroad Avenue, Briggs Lane, Mill Lane, Middle Road and Wood Lane. A sizeable patch on the North Street hill by the Post Office was also done.

Mr. Atherton attended an ARPA webinar on October 19th. A couple of hot topics were that VHFA will be offering financial assistance on past due mortgage, tax, and utility accounts, allowing CUDs to partner with utility companies for broadband expansion and additional sewer funding for WWTP's that are currently non-compliant.

The staff has started working on their FY22 budget proposals in anticipation of the upcoming budget meetings.

Mr. Atherton has submitted four applications through Hazard Mitigation for the New Road property buy-outs.

Mr. Atherton has received a proposal on the traffic light changes. It would be \$13,373.00 for a study and to make changes that East Coast Signals would be making the changes on.

Tim Guiles asked if the traffic study is a proposal or going to happen. Mr. Atherton advised it is up to the Select Board.

Mr. Guiles asked about the charging station and stated there is a light that was on all the time and questioned if it is motion sensitive. Mr. Atherton stated there are going to be five lights. The current light is not the property of the Town and are waiting for the area to dry out before paving the area.

Rec Department News:

Bill Moore reported this weekend saw the end of a very successful fall youth sports season. Without volunteers, we would not be able to provide enrichment activities for our aspiring athletes.

Thank you to the following community members:

U6 Soccer- Miranda Pockette, Jonathan Fries, William Kilpeck

U8 Soccer- Ron & Cassandra Coble, Bill Guy

U10 Boys Soccer - Brent Wilbur

U10 Girls Soccer - Lily Bixby & Justin Martelle

U12 Boys Soccer - Darcey Wijsenbeek & Wendy Rowe

U12 Girls Soccer - Stacey Doucette & Harmony Van Eaton

1st & 2nd grade NFL Flag Football - Kayla Grizwold, Joe Desbrais

3rd & 4th grade Flag Football - Duke Whitney, Scott Quenneville & Daniel Whitney

5th & 6th grade Flag Football - Duke Whitney, Scott Quenneville, Gary Benoit, Matt

Mallory, Daniel Whitney & Kevin Blier

7th & 8th grade Flag Football - Duke Whitney & Kevin Blier

4th to 8th grade Cheerleading- Sarah Whitney & Erica Mohan

Brandon Rec Dance classes with Miss Michaela will be starting this week. Classes in Ballet, Tap and Hip-Hop will be held at the Brandon Town Hall downstairs meeting space and the Pilar Pilates Studio for kids aged 3 to 11. Sign-up at brandonrec.com.

Spooksville is back on October 29th from 5:30PM to 7:00PM at Estabrook Park. The largest trunk or treat event in the region will be even bigger this year. If interested in being a “Candy Wizard” – one who distributes candy from a space on the field, register at brandonrec.com. The Rescue Squad, Police Department and Fire Department will be there to assure a safe event.

Mr. Moore advised for indoor program, the State has issued recommendations and the Town will adhere to all safety measures per the latest correspondence. By wearing a mask, it will help protect both you and the people around you. Covid can spread without symptoms and even once someone is vaccinated, they can still transmit it. The recommendation is to wear a mask. All instructors, Rec staff, volunteers and spectators will be required to wear masks indoors regardless of vaccination status.

4. Public Comment and Participation

Tim Guiles requested discussion of the traffic light due to the news of the cost estimate for a study. Tracy Wyman thought the lights are fine. Mr. Guiles stated several times coming from the north he has experienced a long back-up line. Mr. Wyman noted it would likely be a few minutes and thought it unnecessary to continue to conduct studies and spend more money. Brian Coolidge agreed it is too expensive and it is a lot of money for minimal improvement. Seth Hopkins stated if making a change, it would be adverse to other people in not being able to come off Carver Street or Union Street. Mr. Wyman did not think the lights were bad through the fall and winter, but the busiest time in Town is during the summer. Mike Markowski stated there are no guarantees that changes will be made after the study. Mr. Wyman noted the upside is when he goes through Town there is not a parking spot available which means the town is busy. Dave Atherton noted there is far more traffic on Route 7 than has been in the past and he has also witnessed the increase in Middlebury, Burlington, Rutland, and Stowe with traffic bad everywhere. The surge in traffic is short-lived by such things as schools getting out and people getting out of work. There are a lot of variables with traffic stopping, even without the lights. He has noticed if there are no cars in the turning lane going north, when Route 7 opens both north and south turn green at the same time. It was a consensus of the Board to take no action on the traffic light study proposal.

Stephanie Jerome reported she is getting ready for the Legislative session to start in January and will be holding constituent meetings on November 6th in Brandon and Pittsford and will plan to hold these meetings during the Legislative session.

5. Consider Appointment to Budget Committee

Seth Hopkins reported there have been three letters of interest submitted to the Town Manager and noted the Board appreciates all the interest of the people.

Motion by Tracy Wyman/Mike Markowski to appoint Doug Bailey, Neil Silins and Peter Werner to the Budget Committee. **The motion passed unanimously.**

Dave Atherton will send a letter to the new members.

6. Consider Appointment of EMD and Emergency Services Representative to the Regional Emergency Management Committee

Dave Atherton reported there is a new Regional Management committee, and they want one emergency services person from the Town to serve. Mr. Atherton spoke to Tom Kilpeck, and he is interested in serving on the Committee. It does require a Select Board appointment and there is no term limit on the position.

Motion by Brian Coolidge/Tracy Wyman to appoint Tom Kilpeck as the Emergency Services Rep to the Regional Emergency Management Committee. **The motion passed unanimously.**

7. ARPA Project Discussion

Dave Atherton reported he has provided two items for consideration for the ARPA funding with one being a cost estimate to connect Fire Districts 1 and 2 from Jason LaRock of Otter Creek Engineering and a proposal for engineering services for the Newton Road pump station. He has talked with Aldrich and Elliot regarding the sewer connection for the town garage, but it is not thought that will be a major expense. He does not have anything for the Union Street pump station.

a) Newton Road Pump Station

Seth Hopkins noted this proposal is just engineering services in the amount of \$10,700 to consider replacement of the Newton Road pump station. Mr. Atherton advised this project will have to be done regardless of the ARPA funds. Mr. Atherton stated the station may be able to be moved up the street to another lot. The cost of the pump station will be about \$500,000 that would include a new pump and computer system and would be ARPA fund eligible. Mr. Hopkins stated this project would be the Select Board acting as the Sewer Commission. Mr. Atherton noted Tim and Steve are grateful the Select Board is considering this project for ARPA funding as they are trying to circumvent problems from happening.

b) BFD #1/BFD #2 Connection

Seth Hopkins advised the construction estimate from Jason LaRock totals \$70,160. Mike Markowski reported Fire District 2 had the engineering done by Otter Creek Engineering. Dave Atherton advised connecting the two Fire Districts could be handled similarly to the Route 7 project by creating a MOA and the engineers could draft it.

c) Landfill Solar Project

Jim Emerson noted it is understood that a solar project to operate the wastewater plant using ARPA funding is not feasible, unless it could be part of the sewer system itself. Dave Atherton noted there were no solar vendors interested in the project due to the plant's location in the flood plain. Mr. Emerson stated the Energy Committee would also propose a program to further the Town's goals for energy efficiency. Mr. Emerson stated the Energy Committee has been tasked with analyzing and making decisions for strategic choices for a carbon footprint and have also been charged with organizing community outreach for saving energy. The Committee would request the Select Board consider allocating 2%, or \$25,000 of ARPA funds to use for matching incentives for Efficiency Vermont and NeighborWorks programs for moderate to low-income residents. Details for the matching process would need to be discussed with Mr. Atherton. Tim Guiles stated this touches on some of the ARPA criteria for energy efficiency and low-income assistance. Mr. Emerson questioned the Select Board's interest prior to the Energy Committee continuing work in this area. Mr. Hopkins noted these are two successful programs that would be a boost for Brandon residents. Brian Coolidge suggested waiting to see what the Union Street project will cost before committing to anything. Tracy Wyman also thought it is worth considering but suggested looking at the other projects and if there are funds remaining, it would be something to consider. Mr. Hopkins thought it wise to piggyback on two successful programs as it takes the qualification part out of the hands of the municipality. Mr. Guiles stated it is a way to spread benefits around in the community. Mr. Emerson suggested once a person gets a receipt from a program, they could submit it to the municipality for further reimbursement. Mr. Atherton reported at the last ARPA webinar, it was mentioned there are a lot of programs that will be developed to provide creative ways for housing with ARPA but that is in the infancy stage. Mr. Hopkins suggested the Energy Committee keep developing the programs. Mr. Atherton stated looking at these types of programs even without ARPA, in having the Energy Committee work more with Efficiency Vermont, NeighborWorks and BROCC would be beneficial, noting Bristol and Middlebury have some good programs in getting the low hanging fruit. He suggested with the budget process coming up, to consider including input from the Energy Committee. Mr. Emerson hopes to have some suggestions for budgetary asks coming out of the next Energy Committee meeting. Mr. Hopkins stated the Energy Committee is a subcommittee of the Planning Commission and there have been matches provided for the Commission but there has not been a specific budget line for this Committee. Mr. Atherton stated there are other committees in town attending the budget meetings and he is creating a list outlining the committees to be invited to the budget meetings that will include the DBA and Energy Committee as the Town needs to be supporting the committees to benefit the community. Mr. Hopkins would like official boards and committees of the Town to be included in the budget meetings and for all other groups, the process would need to be an appropriation request. Mr. Atherton noted there are a small number of committees he can reach out to.

Tim Guiles stated it is clear that ARPA funds cannot be used for solar, but suggested it is a good idea to do solar for the municipal needs, like the Green Lantern project and suggested a working group be developed to bond a solar project to serve the municipal needs. It would be the wisest and most prudent thing to do and would not only be economically beneficial but would also be environmentally good in helping to reach the 2050 goals. Bill Moore advised the Prudential Committee discussed this topic at the last meeting, and they are open to the idea, and he suggested reaching out to the Fire District. Jim Emerson stated the Energy Committee is becoming educated with community solar for people that can't do their own solar. Mr. Guiles

sees community solar as a different program and municipal solar would be a smaller lift. He suggested they be two separate discussions. Mr. Atherton suggested the Town highway garage would be a good place to do solar and noted they are running out of land and the Town owned buildings are historic. He has investigated the landfill solar, but there is no 3-phase power in that area. Tracy Wyman suggested a potential area would be the land behind the Brandon Legion as it has the height. Mr. Guiles suggested it is worth looking into with sizable benefits for the community. SolarFest is looking at three parcels and it may be an option for the Town to do a community solar project with them. Seth Hopkins suggested looking into what the benefits would be. Mr. Wyman also supported exploring the option. Mr. Guiles will continue to research and update the Board. Mr. Hopkins suggested Mr. Guiles talk with the Town Treasurer to see what type of latitude there is for bonding. Mr. Atherton stated there are a lot of old bonds on wastewater that Ms. Gage had combined and there is still quite a bit of bond out there. There was also an addition to the Segment 6 bond.

8. Town School Ballot Mailing Discussion

Seth Hopkins stated the legislative body can choose to mail all ballots to voters. There had been discussion to authorize the mailing of ballots for the upcoming election with the school ballots. Dave Atherton advised that the entire school district must approve the school ballots being mailed with the town ballots.

Motion by Tim Guiles/Seth Hopkins to approve the mailing of local election ballots to all active registered voters of Brandon. **The motion passed – 3 “yes” to 2 “no”.**

Tim Guiles stated this fosters participation in democracy and more people vote if ballots are sent to them and he would like to see more people participate.

Motion by Tim Guiles/Seth Hopkins to approve the mailing of ballots to all school district voters with the understanding that all towns agree. **The motion passed 3 “yes” to 2 “no”.**

Dave Atherton noted the school ballots will not be mailed unless all towns agree. If approved, the ballots would be mailed in the same envelope and the cost would be shared between the town and the school district.

9. Letter of Support for Carver Street Sidewalk Project

Dave Atherton reported the Board Chair was asked to draft a letter of support for the Transportation Alternatives Program grant for the Carver Street sidewalks. Mr. Atherton asked for Board support and noted that a letter of support has been provided by the Brandon Chamber.

Motion by Tim Guiles/Tracy Wyman to approve the letter of support for the Carver Street Sidewalk Project for the 2021 VTrans Transportation Alternatives Program grant. **The motion passed unanimously.**

Dave Atherton advised the project goes from Carver Street where Segment 6 ends to Rossiter Street on the west side and a little further on the east side. The sidewalk cannot continue after Rossiter Street due to a retaining wall, but a road crossing will be added.

10. Equity and Inclusion in Brandon

Tim Guiles reported he had attended training over the summer that was offered by VLCT. The training was powerful and important and shifted his view on equity issues, while racial equity is important, equity is a great umbrella to see the work and it serves everyone to have a more equity community. He has made some phone calls and talked with Ted Brady at VLCT to determine how to support this work and has developed a range of next steps that could include a consultant. He discovered that VLCT has funding sources and there are places to help support this type of work. There is a need to have a working group look at the possibilities and bring suggestions to the Board to try to help our community to be as good as we can be in doing best practice on inclusivity and equity. Dave Atherton advised he also had a conversation with Ted Brady and heard some pros and cons of towns jumping in too quickly. He has spoken with Sue Gage and Bill Moore who have been working with CEDRR. In April, Bill Moore reported he joined a Committee on DEI through the Chamber & Economic Development of the Rutland Region (CEDRR). Mr. Moore noted it is a long process that must be very intentional and specific, and they are working with a consultant in the hopes of bringing more information to members. Mr. Atherton suggested the best approach is to have Mr. Moore, Sue Gage and he move forward with this. With Mr. Moore's resources and working closely with the League, they will be the ones to use the resources and put their time and effort into this. Mr. Atherton will report back to the Select Board on their actions. When employees are involved, it is important to get something in place and work in-house. Mr. Guiles suggested having community involvement, however, Mr. Atherton advised there needs to be a plan developed and figure out what to bring to the community which is not known at this point. Mr. Moore advised CEDRR has recently done an internal survey to determine their goals. Mr. Moore's sister also runs a DEI consulting business, Intentional Evolution LLC, and he can engage her in this process. Mr. Guiles suggested there should be Board representation however Mr. Atherton suggested the office staff has a good history of working in this area and with what CEDRR is doing, if something is in place that is effective, the Town should be using that as a template. Mr. Moore stated CEDRR has hired a consultant to facilitate, and it is hoped to come out with policies that relate to the town employees incorporating DEI in everything. CEDRR is creating the template that they can hand out to their members. Bernie Carr was pleased to hear about CEDRR and is looking forward to seeing what the group does and if they can take the lead for all the communities to allow all to be on the same page. Mr. Atherton advised the Town staff has been more active on the regional committees than ever before. Mr. Moore reported he is an active member on the CEDRR Full Board.

11. Fiscal

a) P. O. 52150 to Cargill, Inc. for Road Salt - \$72,310.00

Dave Atherton reported this is a blanket purchase order that happens every year.

Motion by Mike Markowski/Tracy Wyman to approve P. O. 52150 to Cargill, Inc. in the amount of \$72,310.00 for road salt. **The motion passed unanimously.**

b) Warrant – October 25, 2021 - \$296,917.06

Motion by Brian Coolidge/Tracy Wyman to approve the warrant of October 25, 2021, in the amount of \$296,917.06. **The motion passed with one abstention – Mike Markowski.**

Stephanie Jerome advised there is discussion of redistricting that generally happens every 10 years after the census to determine how to provide fair representation. They would like to have 150 one-person districts that would be a change for Brandon, Pittsford, and Sudbury with going back to one representative from Brandon due to the threshold of 4100. This is a proposal that will go to the Legislature and will be voted on by the General Assembly. Ms. Jerome will reach out to the Board of Civil Authority to see if they have any questions. She can provide information on the reapportionment and how it will look with having one representative rather than two. Bill Moore advised the Board of Civil Authority will convene on November 2nd to discuss this. Anyone is welcome to attend the meeting or speak with one of the board members.

Bill Moore reported Otter Creek Communication met and discussed having a high-level study done. It appears the path forward with spreading broadband is going to require partnerships with common providers. Mr. Moore noted the meetings are open to the public.

The Board recessed at 8:20PM.

The Board reconvened at 8:25PM.

Motion by Tracy Wyman/Brian Coolidge to find that the premature general knowledge of the confidential attorney-client communications made for the purpose of providing legal services to the public body will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

Motion by Tracy Wyman/Brian Coolidge to enter into executive session at 8:25PM to discuss confidential attorney-client communications made for the purpose of providing legal services under the provisions of 1V.S.A. 313 (a)(1). **The motion passed unanimously.**

12. Executive Session

Motion by Tracy Wyman/Brian Coolidge to come out of executive session at 8:26PM. **The motion passed unanimously.**

There were no actions required.

Motion by Mike Markowski/Tracy Wyman to find that the premature general knowledge of a discussion concerning the Police Union grievance will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

Motion by Tracy Wyman/Brian Coolidge to enter into executive session at 8:27PM to discuss the Police Union grievance under the provisions of 1 V.S.A. 313 (a)(1). **The motion passed unanimously.**

13. Executive Session

Motion by Tracy Wyman/Brian Coolidge to come out of executive session at 8:31PM. **The motion passed unanimously.**

Motion by Brian Coolidge/Tracy Wyman to authorize the Select Board Chair to author an official response to the Police Department Union denying retroactive pay. **The motion passed unanimously.**

14. Adjournment

Motion by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:32PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary