

Brandon Select Board Meeting September 27, 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, Jack Schneider, Jim Emerson, Bernie Carr, Melly Flynn, Joe Flynn, Eric Hall, Bill Moore, Wayne Rausenberger, Devon Fuller, Allie Walter, Jack Schneider, Patty Wood, Jim Emerson, Robert Black, Ralph Ethier, Neil Silins, Stephanie Jerome, Sue Gage, Wyatt Waterman

Other 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/Brian Coolidge to adopt the agenda, as amended. **The motion passed unanimously.**

Add an Executive Session in accordance with 1VSA 313(a)1 to discuss Police Union grievance

2. Approval of Minutes

a) Select Board Meeting – September 13, 2021

Motion by Mike Markowski/Tim Guiles to approve the minutes of the September 13th Select Board meeting. **The motion passed with two abstentions – Seth Hopkins and Brian Coolidge.**

3. Town Manager's Report

Dave Atherton provided a report for the weeks of September 13th and September 24th.

. Letters were sent to the Newton Road residents inviting them to apply for the new round of property buyouts. Mr. Atherton has received three responses so far.

. Mr. Atherton is working with Devon Neary at the RRPC on an application for another VTrans Transportation Alternatives Program Grant to replace a section of sidewalk on Carver Street from the Segment 6 project limit to Rossiter Street on both sides of the road. They did some cost estimates and will have a letter at the next meeting for the Select Board to sign.

. Mr. Atherton attended the RRPC Commissioners' meeting on 9/13/21. This was mostly budget discussion.

. Mr. Atherton met with Heather Starzynski from Neighborworks to discuss what they can offer to Brandon residents for weatherization and energy efficiency programs and funding. Representative Jerome and Jack Schneider also attended. It was a productive first meeting. They toured around town and looked at what they can do for us.

. Bill Moore and Mr. Atherton met with Consolidated Communications regarding the downtown Wi-Fi possibilities. They are working on a quote for the Town to consider.

Rec Department News:

. Gamer Gathering is a new Brandon Rec offering being held on Wednesdays at 4:30PM in the Town Hall downstairs meeting space. Leader Harmony Van Eaton supervises this electronic gaming meet-up for kids ages 10 – 17.

. HarvestFest is back. October 3rd, Estabrook Park will play host to a petting zoo, food vendors, hay wagon ride and the misnamed yet immensely popular “Leaf People” building from 1PM to 4PM. This is a community gathering that is organized by the Brandon Rec with the help from the Brandon Area Toy Project, Brandon Area Chamber of Commerce and the Neshobe PTO.

. Our second annual “Estabrook Fall Craft Fair” will be held from 10AM to 3PM on Saturday, October 9th. Over 90 vendors are signed up and organizer Karen Trayah donates proceeds to the Brandon Dog Park.

. Quiz night is back! This Brandon Rec and Brandon Free Public Library collaboration’s 4th year of pub trivia fun begins on Sunday, October 16th. Visit the new Branddonpubliclibrary.org website to sign your team up!

. Watch out for future offerings including (but not limited to) Fall Kickball, Youth XC running and Sunday Crafting Club.

Tim Guiles asked when the quote will be received from Consolidated Communications. Dave Atherton advised the Town should be receiving a quote soon. Mr. Guiles also indicated Wade Davis emailed about the traffic light and asked if it would be possible for blinking yellow lights or if there needs to be a traffic engineer brought in. Mr. Atherton advised the Town would need to hire an outside person to do a study, but noted that whatever is done, someone is not going to be happy. It will ultimately be up to the Town as to how they want them set up. Mr. Atherton stated the lights are triggered from traffic coming from Union, Park and Carver, plus other variables to traffic backup are people trying to turn into Lot A and pedestrians in the crosswalk and a lot of traffic backing in and out. Downtown is very busy and there is more traffic with times that it is backed up. Mr. Guiles suggested changing the green light southbound until it is empty. Mr. Atherton noted this was done earlier and it backed up the traffic coming off the side roads. This can be brought to the people doing the studies to program something else, but it will come at a cost. Mr. Guiles suggested trying it for a couple of weeks. Joe Flynn stated Friday evenings and Saturday mornings are the key times for moving the traffic on Route 7. Mr. Atherton noted if there is no traffic on the sides roads the traffic is flowing. Bernie Carr stated when discussing the project, the big concern was that it would turn Route 7 into a racetrack, but now there are complaints that we cannot speed through town. Mr. Carr noted during rush hour waiting is a limited amount of time. There are two national chains emptying out from the side street and is likely why they had to program them this way. Mr. Carr is happy the Town is so busy that people must wait at the lights and is a good problem to have.

He is happy to have a tweak. Mr. Atherton noted early on Hannaford and Walgreen customers were having a hard time getting back out on Route 7. Robert Black agreed with Mr. Carr and supports keeping the town walkable and safe.

4. Public Comment and Participation

Jim Emerson advised that SolarFest is very interested in coming to Brandon. Mr. Emerson provided a draft of information that will be placed on FPF tomorrow and requested the Board's feedback. SolarFest is most interested in the State property, but there are other properties they are exploring. Dave Atherton reported he had a conversation with Michael Bailey of SolarFest about the State land. It was decided the Town would step aside and SolarFest would move forward with working directly with the State on this land. Mr. Bailey will get back to the Town on this subject.

Allie Walter asked the status of the municipal parking lot. Dave Atherton advised the contractor is at the mercy of the pavers and it is hoped to be done by mid-October. Ms. Walter asked with more activities in the downtown if there could be something done about engine brakes. Dave Atherton reported there has been conversations with the Police Chief and advised that there is no law against this, and the Town would have to create an ordinance and the police would have to issue tickets. Ms. Walter suggested a sign would be good and perhaps some of the truck drivers would adhere to it. Tracy Wyman stated there are some towns in the state that do have signs indicating no use of engine brakes rather than instituting an ordinance. Tim Guiles agreed with this suggestion. Mike Markowski noted an engine brake is for safety and Tracy Wyman stated some trucks are weighting upward of 100,000 pounds. Bernie Carr stated 25mph is going too fast through the center of town and he has heard a lot of truck brakes near his shop. Joe Flynn liked the idea of a sign suggestion. Mr. Atherton stated the only reason for an ordinance would be for enforcement, but it is hoped that a sign would suffice.

Motion by Tim Guiles/Tracy Wyman to install signs indicating "No Engine Brakes" for the downtown area. **The motion passed unanimously.**

Seth Hopkins noted there would not be a need for an ordinance. Brian Coolidge suggested four signs with two on Route 7 and two on Route 73. Mr. Atherton will speak with Shawn on this subject. Mr. Atherton noted the flashing speed signs will be installed hopefully this week. Patty Wood expressed concern over the number of signs in Town. Mr. Atherton advised that the signs would have to be placed within the Town limits.

Stephanie Jerome reported the Vermont Climate Council is taking input and there are three upcoming zoom meetings scheduled for September 30th, October 5th and October 6th starting at 6PM (see attachment). Ms. Jerome also encouraged people to get their vaccine boosters and noted it is a service that is being handled very efficiently.

5. ARPA Discussion with Eric Hall, RRPC Regional Planner

Eric Hall from the Rutland Regional Planning Committee (RRPC) was present to discuss ARPA funds. The RPCs across the state have been tasked, in coordination with VLCT, to assist municipalities in identifying needs and priorities for projects the funds can be used on. The Treasury Department has released an interim final rule for eligibility though the ruling is not final. The final rule is expected this fall, but timing is unknown. There are still things to be learned and the goal of the funds are to support the Covid 19 response effort, replace sector revenue, support economic stabilization and address the systemic health and challenges that have contributed to an

unequal impact. The goal is an economic response more than economic development, but all final decisions lie with the municipalities. Mr. Hall noted the RRPC can assist with developing a list of projects, prioritizing the list and determining the eligibility. There are resources available to answer questions about eligibility and determine where a project may fall. If there is a project that is in a gray area, it can be determined if it is eligible. The RRPC and VLCT request towns take time to make sure there is definitive eligibility that Mr. Hall is available to assist with. It is expected a dashboard will be developed for all towns to see the other towns' projects. The goal is to meet the pandemic response needs and build a stronger economy and community and make some lasting improvements. Tim Guiles stated the Town started with 19 proposed projects and reduced them down to 9 and have ultimately come up with a top 2. The Town has talked about using the money for a solar panel project that would be an economic rock for the community to build on and would help everyone. It would also answer climate change and assist with the State's 2050 goal in this area. Jim Emerson stated it would offset the Town's electric cost and save 3% or more for the taxpayers. Mr. Hall noted another point is projects that align with the Town Plan are a good place to start. If there are projects identified as goals that meet the criteria, those would be viewed as high priority. From an economic recovery versus development standpoint, a solar array would be a tough thing to do as it would seem to be more for economic development. Mr. Guiles stated it would provide cash flow for the future to do other projects as it would generate more money for the community. Dave Atherton asked if any project that falls under clean water and drinking water is approved for funding. Mr. Hall advised that water, wastewater and broadband are categories that are identified infrastructure investments that are eligible, but routine maintenance does not fall into this. Mr. Hall reported they meet bi-weekly and there was a presentation from a water investment group that identified municipal road general permit projects in connection with stormwater would be eligible for funding and this will open doors to more projects. Each week the group is receiving more clarity and with regards to capital projects for water, wastewater and broadband, those are the projects they are trying to push. Seth Hopkins stated initially in late July it was confirmed the Town would receive \$390,000.00 and with the county allotments, that figure is now \$1,116,488.00 and the scale of the ARPA relief has grown significantly, and it bears opening the project discussion again. Mr. Hopkins noted from a slide from one of the ARPA webinars he attended, it included cyber security, and climate change and resilience which is what he is considering the solar project for in addressing energy resilience and climate change. Mr. Hall thought the climate resilience is geared toward wastewater to make sure a facility can handle the surges in water. Mr. Hall will research the solar array aspect. Mr. Hopkins confirmed the obligation date for the ARPA funds is the end of 2024. Mr. Hall clarified that date was to get the projects in the engineering process with a build-out by the end of 2026. Mr. Hall advised he is available for special public forums and if any other ideas come to the table, he requested they be forward to him. Dave Atherton stated with MRGP, would other stormwater projects fall under this, as there are a lot of roads and if culverts fall under this, it will help on a couple of things. Mr. Hall advised only the ground that is disturbed can be paved. Mr. Atherton asked with water and sewer, if a sidewalk replacement is done and water and sewer is done at the same time, can the Town do curb to curb paving. Mr. Hall agreed that would be eligible. Tim Guiles stated there was also discussion of a new municipal garage. Mr. Hall stated that would not fall into the eligible uses. General infrastructure is not in response to the general public health emergency and issues the pandemic has created, unless it is a pandemic related public health need like an investment for a facility to do vaccines. There could be affordable housing in a qualified census tract. Mr. Hopkins requested the list that initially came in from the public be provided to Mr. Hall. Bill Moore asked about outdoor recreation for citizens. Mr. Hall stated that is also a gray area and part of that could be if there is deferred maintenance on a public park, with remedying the maintenance being eligible. Mr. Moore suggested a walking trail that needs to be upgraded. Mr.

Hall will add that item to the list to obtain clarification. Bernie Carr asked about economic impact on businesses in helping with their losses. The businesses had both the pandemic and construction income loss and because there was construction in 2019 and numbers were low, it was difficult to show a 50% loss and the businesses here suffered for three years. Mr. Hall stated this would be up to the Town to create a system for taking applications and allocating to a small business recovery grant but gaging how the pandemic affected those businesses is a challenge. Mr. Carr asked what kind of a program would be done for lost income. Mr. Hall stated the response to the public health emergency affected small businesses and responding would be to try to support the small businesses. Determining how it would be set up and a system for those wouldn't be cut and dry as there is a lot of focus on travel, hospitality and restaurants, but for businesses outside of those areas, it is difficult to quantify and determine how the assistance could be determined. Mr. Carr stated many of the businesses did get help, but there are a few businesses that did not get any help. Mr. Hall suggested adding to the list of possibilities for supporting small businesses. Mr. Hopkins stated the reason it did not make it past through the first go-through was the goal is to give the widest possible benefit to the largest number of people in town. Targeting business owners would be meaningful, but it would not be a wide number of people. Mr. Carr stated for those businesses affected, there is a significant amount of money that was lost. Mr. Hopkins thanked Mr. Hall for clarifying economic response as opposed to economic development. The Town has time to obligate the money and it is felt that public comment is necessary. There are also Covid Relief funds coming through the other State agencies and the Town will leverage those funds.

6. Declassifying the Class 4 Portion of Steinberg Road to a Trail

Seth Hopkins advised there has been a hearing on this proposed change. Dave Atherton stated it must be recorded and gates installed. Mr. Atherton spoke with one of the landowners and likely something will be done regarding the gates this fall.

Motion by Tracy Wyman/Michael Markowski to sign the order of discontinuance to approve the declassification of the Class 4 portion of Steinberg Road to a trail. **The motion passed unanimously.**

Ralph Ethier asked if rocks can be put at the entrance until gates are installed. Dave Atherton stated there are some jersey barriers that can be brought in, but the neighbors would not be able to use the road. Mr. Ethier noted deer season becomes trash season in this area and he did not think the other neighbors will have an issue with the barriers. Mr. Atherton will talk with Shawn about installing the jersey barriers until the gates are installed and will also talk with the McLaughlin's about the barriers.

7. BLSG Resolution Discussion

Wayne Rausenberger noted the BLSG had asked all towns if there were any changes requested and Brandon had none. There was one concern from another town that the BLSG is going to increase spending. The BLSG Board has agreed to limit a year-to-year budget to no more than a 5% increase. If there is more money needed, there will have to be a unanimous decision from all towns to approve an increase in the budget. Seth Hopkins confirmed the BLSG Board is okay with the proposed change. Mr. Atherton stated when the Town is in the budgeting process, it will include the 5% increase. Wayne Rausenberger advised there may not be a 5% increase and may be less. Mr. Rausenberger asked what kind of payment schedule the Town will have. Every town has paid after taxes are collected and Brandon has historically paid four times per year. Sue Gage stated the Town

can pay in a lump sum, or however the BLSG would like payment. Mr. Rausenberger suggested it is better to receive the four payments annually. Mr. Rausenberger asked if the Select Board is trusting the BLSG to do larvicide and adulticide once the money is budgeted and the town is provided an assessment. There are times when most funds are spent for adulticide, but there are times when larvicide things need to be done. Mr. Rausenberger would like a sense from the Board if the budget must be micro-managed. Seth Hopkins stated the Board has consistently said the BLSG does important work and a BLSG representative provides input during budget season. Mr. Hopkins did not have a desire for Brandon to dictate money that is assessed, and he did not think the Town wants to micro-manage. Tim Guiles agreed but noted that perhaps the Select Board may have an opinion about adulticide and larvicide. The Board agreed that they do not wish to micro-manage the BLSG.

8. Regional Emergency Management Discussion

Dave Atherton reported the Emergency Management group wants to change the way towns are being represented and they want to have an emergency services person from every town. Mr. Atherton stated there may come a point when an emergency services person will need to be appointed from either the Rescue Squad or Fire Department. Mr. Atherton will reach out to determine if Fire Chief Kilpeck might be interested in this appointment.

9. Greenways Committee Presentation

Devon Fuller, DBA President, provided a history of the Greenways Committee noting that it had morphed out of the Downtown Brandon Alliance (DBA). The DBA was originally the Center Street Alliance that was developed to keep viable business centers in Vermont towns. There is a state coordinator, and it consists of 23 towns and each town has a Board that manages the designated downtown. After 2007, the working name was changed to the DBA. It is the intention of the DBA to work together with the various groups such as the Chamber, Town and local businesses to keep the core alive. Some activities of the DBA include the summer flower pots, holiday decorations, and the VDAT report that has been used by economic development and assisting the Chamber in coordinating events. There were barn raising events for the community members to advise what the DBA can work towards. Mr. Fuller noted Brandon has done a great job with flood resilience and the DBA's design group helped with the design and remodel of the Town Office. This remodel was paid for through grants due to Brandon being a designated downtown. The DBA assisted in obtaining tax breaks for the Smith Block and coordinated with the Chamber to help businesses get through the Route 7 project. Through the work that has been done, the Greenways Committee started looking at the land behind the Smith Block to create walking paths to different parts of the community, that has ultimately morphed into other projects like the art project. This Committee has a very strong design group, and the problem has always been about funding.

Melly Flynn provided a presentation on the Town's five parks and a walkable downtown with the focus on providing people walking ability and to provide a focus on local businesses. There were signs placed in the parks to identify each park and several walks have been developed and a brochure was created to outline the walks. When starting from the downtown, one is never more than five miles from downtown and the walks range from 1 to 10 miles. There were longer routes developed in going out by the Sanderson's Bridge and returning on Union Street. There was focus on the Iron Furnace area and a third path to start at Park Village to the Arnold District and out Hollow Road with a return on Steinberg Road. Ms. Flynn thanked the Select Board for making the

Class 4 section of Steinberg Road a trail. There are also hiking trails through Hawk Hill. Ms. Flynn noted the brochure is not just for tourists but is available to the community as well. There are a few projects in the planning stages for people who live outside the downtown area for walking or riding a bike into town. The Committee wants to look at a bike route to Neshobe School. Ms. Flynn advised there had been a plan developed in 1995 to create a trail to Neshobe School and at that time all landowners along the way gave permission. Wade Davis is trying to get this project resurrected. Some of the trails have been walked between Town Farm Road and Neshobe School, but they are trying to find a connecting point back to the downtown area. This project is still in the planning stages and is on the back burner. Another project as a result of damage that Irene had done to Newton Road is a property at the end of Newton Road that meets Route 53 for a possible scenic sitting park, which would tie in with the Iron Furnace walk. Another project the Committee is working on is determining how people at Park Village could walk or bike without using the narrow sidewalk. This project is in an early stage that will include landowner considerations and obtaining expertise in putting in a bike trail. When creating the brochure, an app, Geotourist, was added that provides information such as a map, photos, and historical information. Tim Guiles is assisting with creating information that includes, an Art tour, History tour, Eye Spy tour, Joke tour and a Covered Bridge tour, with others in the making. There is consideration to place a sign in the new parking lot that would provide information about the Geotourist app, as well as information will be available at the Stephen A. Douglas House.

Allie Walter provided information on the Public Art initiative of the Greenways Committee and provided photos of the monuments, and other art in the town. Ms. Walter advised different artists have been approached to possibly do murals on various buildings. Kathryn Wieggers and Juniper Creative Arts are interested in doing murals in the Town and will assist with mural design. Locations under consideration are the side of Walgreens, the upper falls stairway and the old bus stop. Another project under consideration is an upgrade to the bank alley between the Café Provence parking lot and Central Park with discussion of putting in some planters at either end, paving the area and working with local schools to have artwork placed on the sides of the buildings. Another project under consideration is a mural on the north wall of the Brandon Flower Shoppe with some concepts discussed of imagery that would represent Brandon and be eye-catching.

Robert Black, DBA Design Chair, thanked the Select Board for allowing the opportunity to provide a presentation and noted that all groups – the Select Board, DBA and Chamber – contribute to making Brandon special. Mr. Black noted there is historic architecture that is unspoiled, and more and more people are visiting. Mr. Black stated Kevin Thornton is a real asset to the Town and is helping to push the Thomas Davenport story. Anti-slavery is also a big thing for Brandon and the river rivalry is an interesting story that Mr. Thornton would like to highlight. Mr. Black provided an overview of the proposed Little Park for a Little While that would be located at 17 Franklin Street. They have been working to develop this park and is an example of the Brandon community working together. Mr. Black thanked Kurt Thomas' staff for their assistance with the project and noted there are several people who will provide flowers and trees for the park. There will be a front edging that is in the development stage. The Park will be wheelchair accessible and there is a plan to contact the water department to have a hydrant installed. Mr. Black noted there is a large network of people working together to make this happen. Mr. Black advised the Committee's next steps are to concentrate on public outreach, education and participation. There are other towns that have created a river walk system such as Manchester and Middlebury and are models the Committee would like to duplicate for Brandon. The Committee asked if the Select Board would authorize the Town to participate in a joint-funding effort with the DBA and Chamber, with possible funding from the

Shirley Farr trust, for a water source at 17 Franklin Street, an ongoing public art initiative throughout Brandon and a new monument to honor Thomas Davenport and the electric motor. Bernie Carr noted Robert Black has done a tremendous amount of work since he has been in Brandon, and Dave Atherton and Bill Moore have been very supportive and noted it is a creative group effort. Mr. Carr has talked with Ray Counter about a fire hydrant at 17 Franklin Street and Mr. Counter will speak with Kurt Thomas about this. Robert Black stated the DBA has talked with Jeff Biasuzzi concerning the artwork. Mr. Atherton also suggested it would be good for the DBA to check with the State to also determine what is allowed. Mr. Black advised the mural artists the DBA is working with have been doing work in both Rutland and Burlington and would be knowledgeable on this subject. Sue Gage advised the legislature has approved murals for designated downtowns. Bill Moore also suggested checking with the Vermont Art Council. Mr. Moore noted these are amazing projects and hard work has been put into their weekly meetings to get to this point and there is likely public and private funding available. Having a solid plan and a concrete ask will allow for the Town, public and private organizations to support the efforts. Mr. Black advised the Committee was present to build awareness and asked the Select Board to collaborate with the DBA and they will pursue what projects the Board feels appropriate. Seth Hopkins suggested the DBA collaborate with the Rec Department prior to the Town's budget process to help with the planning. Mr. Hopkins thanked the DBA for providing a presentation to the Board.

10. Appointment

a. Deputy Health Officer – (3-year Term ending September 30, 2024)

Motion by Tim Guiles/Tracy Wyman to appoint Dave Atherton as the Deputy Health Officer for a 3-year term ending September 20, 2024. **The motion passed unanimously.**
Tom Kilpeck is the regular Health Officer.

11. Request for Use of Local Option Tax Funds

Sue Gage stated there were two documents approved on August 14th. When going through details, Ms. Gage found an error and there were also other undesignated funds that she combined. Mr. Atherton advised construction is done but there will still be some engineering costs for project closeout. Ms. Gage would like to use Local Option funds to zero out the project. Mr. Atherton stated there was a change order for construction, but there will still be some closeout costs. There are three things left that the engineers need to work on, but nothing major.

Motion by Tracy Wyman/Michael Markowski to approve the request to use \$11,114.69 of the Local Option Tax funds for the Route 7, Segment 6 matching funds. **The motion passed unanimously.**

12. Amendment to Wastewater Loan Agreement

Dave Atherton reported this is the final design amendment for the wastewater treatment plant. Seth Hopkins noted the terms are very reasonable.

Motion by Tim Guiles/Tracy Wyman to approve the amendment to the Wastewater Loan agreement. **The motion passed unanimously.**

Bill Moore reported the Brandon Carnival made a profit of about \$4,200.00. He noted this is a great event and the movement of the date to the end of July helped with the numbers. This was a nice fund raiser for the Brandon Area Toy Project. It is hoped to schedule the event for the same time next year that will give more time for planning. There was a request to include a knuckle cracking event and wrestling for next year. Seth Hopkins thanked Mr. Moore for partnering with the businesses and developing this into a positive event.

13. Fiscal

a) Warrant FY 2021/2022 – September 27, 2021 - \$124,252.29

Motion by Brian Coolidge/Tracy Wyman to approve the warrant of September 27, 2021, in the amount of \$124,252.29. **The motion passed unanimously.**

The Board recessed the meeting at 9:10PM.

The Board reconvened the meeting at 9:17PM.

Motion by Tim Guiles/Brian Coolidge 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 Tim Guiles/Brian Coolidge to enter into executive session at 9:17PM to discuss the Police Union grievance under the provisions of 1V.S.A. 313 (a)(1). **The motion passed unanimously.**

14. Executive Session

The Board came out of executive session at 9:34PM. There were no actions required.

15. Adjournment

Motion by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 9:34PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary