

Brandon Select Board Meeting January 10, 2022

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, Butch Shaw, Neil Silins, Bill Moore, Jan Coolidge

Other In Attendance Via Zoom: Keith Whitcomb

1. Call to order

The meeting was called to order by Seth Hopkins - Chair at 7:02PM.

a) Agenda Adoption

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

Add Item 11 – Fish and Wildlife Discussion of Parcel 02-11 on Map 6

Add Executive Session – Mediation and Arbitration Matters

2. Approval of Minutes

- a) Select Board Meeting – December 13, 2021
- b) Select Board Budget Workshop – December 20, 2021

Motion by Brian Coolidge/Tracy Wyman to approve the minutes noted above. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided a report through January 7th.

The Town has been awarded a grant for new and updated Local Hazard Mitigation Plan development under the 2020 Building Resilient Infrastructure and Communities program through FEMA.

The Town has been awarded the grant for three properties on Newton Road that Mr. Atherton applied for through the Vermont Emergency Management Flood Resilient Communities Fund.

Mr. Atherton has hired a new Chief of Police, David Kachajain who will be starting on January 11th. He is leaving his position as Lieutenant in Swanton, which he has held since 2017, prior to that he was a Corporal in Montpelier for 10 years.

Seth Hopkins stated this results in a lot of hard work the Town Manager has done. The Board is looking forward to meeting David Kachajain as the new Chief of Police.

Bill Moore thanked the Town Manager and Select Board for the smooth and efficient hiring of a new police chief.

4. Public Comment and Participation

Tim Guiles thanked Mr. Atherton for the ARPA funds final rule. Mr. Guiles suggested there is section for ARPA funds to be used for vacant and abandoned properties, renovation, removal and demolition or deconstruction for converting to affordable housing. He wanted to get this on the radar as opportunities arise as all of the ARPA money has not been spoken for yet. Seth Hopkins did not perceive the Town having vacant properties, but some that may need repair. Mr. Guiles thought there may be some places that could be torn down and put back up and rehabilitated. Mr. Hopkins asked if the Town would take ownership and if there are further resources on this subject. Dave Atherton advised there is more detail on each program and he thought in order to do work on a property, the Town would have to acquire it first either through tax sale or something that is abandoned as the federal government would want the Town to own the property if the funds are being used. The information is very descriptive, like what is being done with Fire District 1 and 2.

Bill Moore advised he is the Chair of the Otter Creek Communication District and reported they received a ruling about allocation of broadband money and the anticipation that towns will be asked to match some of the funding. It appears Brandon's match may be in the area of \$56,000, but there may or may not be a request for matching funds from the State. Mr. Moore asked the Town to possibly consider using ARPA funds as a potential match.

Representative Butch Shaw reported with regard to the ARPA funds, it has been learned that these funds are able to be used to match federal funds. Dave Atherton noted would like more information on this subject. Mr. Shaw will provide information to Mr. Atherton. With regard to the housing piece, the Governor will be providing information on Tuesday.

5. Appointments

a) Planning Commission – Remainder of 3-year Term Ending June 30, 2022

Seth Hopkins advised a letter of interest for the Planning Commission seat has been received from Jack Schneider. Mr. Schneider is also on the Energy Committee.

Motion by Brian Coolidge/Tim Guiles to appoint Jack Schneider to the Brandon Planning Commission for the remainder of a 3-year term ending June 30, 2022. **The motion passed unanimously.**

6. Town Meeting Discussion

Dave Atherton provided information on the S172 Act. Butch Shaw stated as an overview there was Act 60 for mailing ballots for general elections and for town elections. That did not sunset at the end of the emergency order and is still in place in how to do elections and town meetings. There is an issue with the electronic town meeting without a physical location. The Senate is working on another bill for clarification due to the Open Meeting laws. Mailing ballots will be allowed, but it will be on each town's expense as the governing body and working with the town clerk on how to do that process. There will be no money from the State for this process. Seth Hopkins stated there are three topics, 1) whether to have the town meeting by zoom or in person, 2) if it will be by zoom, will there be a physical location and, 3) a discussion of mailing ballots at the Town's expense to all voters. Mr. Hopkins stated the Town Report is late in its production stages and it needs to continue to be moved along to not miss the statutory deadline.

Tim Guiles thought the Board had made the decision to mail the ballots and possibly in conjunction with the school district. Seth Hopkins stated last year the Town chose to do an electronic meeting without a physical location and thought it advisable to hold a remote meeting. He did not hear any complaints as all were looking at one screen and he would prefer, if the Governor signs the Act, to have a virtual Town Meeting without a physical location.

Motion by Seth Hopkins/Tim Guiles, pending the Governor signing S172, that Brandon holds a remote Town Meeting on Monday, February 28th, and that there be no physical location to attend. **The motion passed unanimously.**

Bill Moore suggested also having telephone access. Butch Shaw stated the Bill is in the Senate now and the Act will give procedures for how to meet.

Seth Hopkins asked if the Town Clerk's budget includes mailing ballots. He stated there was an increase in the election line as three meetings are planned for the next fiscal year. The election workers line is increased, but there is a separate line for the elections that is tripled which may include postage. Jan Coolidge confirmed the budget increase for the election is for next fiscal year. Tim Guiles thought it a good idea to mail the ballots and last year people could mail them, bring them to the Town Clerk or hand-deliver on voting day. Tracy Wyman noted concern that he had people show him ballots of people that had been deceased. Butch Shaw stated the accurate check list is what the Town has and last year they had been mailed by the State. Seth Hopkins stated if the Town is sending from the Town's checklist, it will be more accurate. Bill Moore stated the Town's voter checklist is reviewed by the BCA and votes would not be counted from someone that is deceased. Sue Gage stated not all of the towns in the school district are mailing ballots so the school district cannot mail its ballots. The school district will be providing the Town an insert that will indicate the school's ballot will not be included but can be mailed by request. For the school district, voters will either have to request a ballot to be mailed or vote in person. Ms. Gage noted because the vote was made early to mail ballots, she has ordered the additional envelopes needed. She advised that unless all of the school district's towns made the decision to mail ballots, their ballots could not be mailed. Ms. Gage had also placed on the voter website page that the Town's ballots would be mailed. Tracy Wyman noted since the Board had voted to mail the ballots, the Board should move forward that way. Dave Atherton noted the Town does not have control or authority over the school district and the Town has to be more

concerned with Brandon voters. He thinks that since there had been a motion earlier to mail the votes, it should be honored. Mr. Hopkins asked how much it costs in postage to mail the ballots. Sue Gage advised it is about \$6,000 to mail town meeting ballots that she adjusted for in next year's budget. Mr. Hopkins asked how this year's mailing would be paid. Ms. Gage stated it is not in the budget this year and will come out of a line item that is underspent. She stated the insert for the school district is still being worked out and the thought was to inform if people want the school ballot, they could mail a postcard back indicating they would like one and the school district would pay for the postage. Seth Hopkins stated the Board's decision will be maintained to mail the ballots due to the voters being informed. There will be a school district insert included to provide voters the opportunity to obtain a mailed school ballot.

7. Consider Approval of Fiscal Year 2022/2023 Budget

Seth Hopkins stated the Board had a budget to consider dated January 7th. The budget with expenditures is \$3,230,130 with \$2,217,274 to be raised by taxes. The total expenditures are down 0.42% and to be raised by taxes is down 1.2%. It was the consensus of the Board to not ask for another \$100,000 Paving Article.

Motion by Tim Guiles/Tracy Wyman to approve the 2022/2023 budget as presented. **The motion passed unanimously.**

Seth Hopkins noted the Budget Committee this year included Doug Bailey, Peter Werner, Neil Silins, Barry Varian, and Jan Coolidge. The Board appreciates their work on the Budget Committee. Mr. Hopkins thanked all who participated in the process including the Budget Committee, public and staff. He stated it is an achievement to come in with a budget that the taxpayers are going to appreciate with less spending, a little less tax and still provide the services the Town requires.

8. Consider Adding Noise Ordinance to the Ballot

Seth Hopkins reported the Board received a letter from a resident of Woods Lane indicating it was thought the noise ordinance would be on the next ballot. The Board had dedicated hearings that were well attended and the most recent activity was April 12, 2021, and the minutes of that meeting reflect a motion of 4 to 1 to maintain the current course according to State Statute. It was suggested it could be placed on the town ballot and that is where the newspaper chose to emphasize the story. Dave Atherton received a comment from VLCT indicating they proposed one or more Select Board meeting discussions on an ordinance, which had been done. They also noted that the Board could choose to place the item as a non-binding Article on the ballot. Mr. Atherton stated a survey was done last April with letters and emails also received. Mr. Hopkins stated the Board would not be placing a noise ordinance before the voters. Mr. Hopkins noted the way the adoption process works is the Board adopting an ordinance and the voters could petition the Town to rescind the order. The Board has gone through the hearings and there was not consensus to draft an ordinance. Mr. Atherton stated a non-binding article is like a poll. Tim Guiles stated since it would not cost more it would be interesting to see what the voters think. Bill Moore felt that putting out a question that is non-binding may open up another issue where it is too general. Since there were hearings and it was voted not to create a policy due to enforcing and measuring, he felt it was settled. Mr. Atherton stated there was a three-month process with

hearings and discussions, and the Board made the decision not to do an ordinance. The Board needs to honor the decision that had been made. Mr. Atherton noted there are other issues in the area that are more zoning-related that have more grounds for the Town to pursue, which the Zoning Administrator is working on. He did not think a noise ordinance would change some of the things that are making the people unhappy. Mr. Hopkins did not desire to restart this discussion but focus on whether the public is owed an input on the ballot. He stated we should affirm the sentiment or correct the sentiment that it was going to be placed on the town ballot. Tim Guiles stated non-binding does not commit the Select Board to anything and at the time it seemed the majority of the Town did not want a noise ordinance. Mr. Guiles stated there would be a benefit of getting past that there is one person who has an issue and obtain a larger sentiment. Mr. Atherton stated people are relying on the Select Board to make decisions. Tracy Wyman stated since there had been discussion, he does not see a reason to have it on the ballot because there are not major issues in Town. Neil Silins stated the discussion around noise was very emotional and led by highly charged people that influenced the discussion. Now that the heated state has calmed down, as long as it is non-binding the Board would not be held to anything if polling the community. Mr. Hopkins stated the Board would not be drafting an ordinance but finding out if there is an appetite for an ordinance and noted the Board had determined that the Town's noise ordinance is what is in State Statute.

Motion by Tracy Wyman/Brian Coolidge to not place a non-binding question regarding a noise ordinance on the ballot. **The motion passed – 4 to 1.**

Bill Moore stated either side was heated and he thought the Town is starting to heal from it and felt that putting it on the ballot would open things up again. Seth Hopkins noted people have elected the Select Board as the legislative body. The Board benefits from hearings and public input but have to take the responsibility of being the legislative body of the Town. As far as process, the Board did not say that it would hold a vote on this subject and the Board voted to maintain State Statute.

9. Consider Ad-hoc Committee to Explore Ways to Attract and Retain Employees

Seth Hopkins stated this agenda item is from an interested citizen who made the suggestion. Neil Silins stated one thing mentioned at all of the budget advisory meetings was that small towns can't keep up with the demand of hiring people and hiring those who will become community members. If it could be figured out what makes Brandon a good place to work, we would have the beginning of the process to attract and retain the people without constantly increasing the budget. Mr. Silins suggested sitting with the Police Chief and Department to come up with something that will help with welcoming people to the community. He suggested getting a group of people to study how to do this. Mr. Hopkins stated Dave Atherton is the chief operating officer and asked his thoughts. Mr. Atherton stated the only department the Town has had a hiring issue is the Police Department, which is a nationwide problem. The Town has done a great job keeping people that are local and have roots here. He feels more positive with the Police Department with five applicants for the Police Chief position, noting the Town is doing something right in attracting people. There is always the issue of money but the Department is going through a rebuilding. As far as the other departments, there has been good employee retainage. Mr. Atherton stated the Highway Department is good and he feels the Town is on a good track. Mr. Silins had heard several times about problems with getting new police officers

and that many of the machine operators in Public Works are retiring. Mr. Atherton reported the Town now has four younger public Works staff as there had been a large retirement of equipment operators. Mr. Silins stated important points for retention of employees are advancement, money, and a sense of community. Mr. Hopkins stated an important topic of discussion during the police chief interviews was the idea of meshing the police as members of the community to know and recognize them. Mr. Atherton stated one of the reasons we have had problem with retaining officers is that they don't want to be police officers anymore. Out of the people that have been here in the last five years and left, they got out of the police profession altogether. He noted there is ability to advance within Brandon's Police Department. There are currently three officers and the new Police Chief will be starting tomorrow. Two more officers will be coming out of the Academy in March. It can be made sure that it is a part of their daily activity in getting out with the public. Mr. Hopkins asked if the Town has a reputation as a desirable employer when there is a vacancy. Mr. Atherton advised with the police chief position, there were several good candidates and the big problem is housing availability but felt that Brandon is a desirable place to work. Mr. Hopkins did not see a need for a committee. Mr. Atherton is always open for ideas on incentives and noted the Town has very skilled, friendly, and knowledgeable people working here. Mr. Silins suggested looking for non-financial ways to attract people and Mr. Atherton noted he is in favor of having a discussion about this subject.

10. Consider Update to Personnel Policy Addendum C

Dave Atherton stated this item is for the health insurance and advised when doing the personnel policy, it was decided to make this an addendum that can be amended when the rates change rather than amending the entire personnel policy every year. Seth Hopkins advised this is not only for the collective bargaining employees but the employees that receive benefits because they work the required number of hours. The Town pays 85% of the Gold Plan and deposits in the Health Reimbursement accounts for out-of-pocket-expenses, deductibles, and other expenses \$1,200 for single and up to \$2,500 for family. If an employee is insured through another source, the Town will reimburse based on the plan the employee qualifies for. The Delta Dental plan is paid 100% by the Town and the Vision Service plan is paid 100% by the employee.

Motion by Tracy Wyman/Michael Markowski to update Addendum C with this year's figures. **The motion passed unanimously.**

11. Fish and Wildlife Discussion of Parcel 02-11 on Map 6

Seth Hopkins reported the Town has received a letter from Joan Allen, a conservation consultant, on behalf of Vermont Fish and Wildlife asking about a statement for Parcel 02-11 on Map 6. Mr. Hopkins read the attached letter and asked the Board's pleasure.

Motion by Tim Guiles/Michael Markowski to provide a letter that the Board does not oppose the Vermont Fish and Game to purchase the land from the landowner. **The motion passed unanimously.**

Dave Atherton will create a letter and send to Vermont Fish and Wildlife.

12. Request for Use of Local Option Tax Funds

Seth Hopkins noted there is a request for \$123,900 from the Local Option Tax fund for the purchase of the backhoe which will require a transfer retroactive to last month end. Mr. Hopkins stated the Board had previously voted to procure the backhoe with Local Option Tax funds and this request is to make an account. Dave Atherton noted the Town Treasurer wanted to have a record of this item. It was the consensus of the Board to approve the transfer of funds that had been previously voted on for the purchase of a backhoe.

13. Fiscal

a) Warrant – January 10, 2021 - \$120,640.01

Motion by Tracy Wyman/Michael Markowski to approve the warrant of January 10, 2021, in the amount of \$120,640.01. **The motion passed unanimously.**

The Select Board recessed at 8:40PM.

The Board reconvened at 8:46PM.

Motion by Tracy Wyman/Brian Coolidge to find that the premature general knowledge of a discussion concerning mediation and arbitration 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 8:46PM to discuss mediation and arbitration matters under the provisions of 1 V.S.A. 313 (a)(1). **The motion passed unanimously.**

14. Executive Session

The Board came out of executive session at 9:05PM.

There was no action required.

15. Adjournment

Motion by Brian Coolidge/Seth Hopkins to adjourn the Select Board meeting at 9:05PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary