

**Brandon Select Board Meeting
June 13, 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, Mike Markowski

Others in Attendance: Dave Atherton, Neil Silins, Steve Cijka, Judy Bunde, Jack Schneider, Kevin Cornet, David Roberts, Sophia Cornet, Jeff Stewart, Jim Emerson, Marielle Blais, Jason Booth, Aaron Boynton, Addison Boynton

Other In Attendance Via Zoom: Richard Jamros, Mathew Clouser, 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/Brian Coolidge to adopt the agenda as amended. **The motion passed unanimously.**

Add Item 5a - Energy Committee Funding Presentation

2. Approval of Minutes

- a) Select Board Hearing Minutes – May 23, 2022***
- b) Select Board Meeting Minutes – May 23, 2022***

Motion by Brian Coolidge/Tracy Wyman to approve the May 23, 2022 hearing and meeting minutes. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided the following report:

. VTrans will be starting work on Route 7 this week. The project begins in the Town of Pittsford on US Route 7, just north of the intersection with VT Route 3, and extends northerly along US Route 7 to a point just south of the US Route 7 and Hawk View Road intersection in the Town of Brandon. Work on this project will consist of milling the pavement to a 1.5" depth, spot shimming and surface prepping, then paving with a 1.5" lift of Type IVS wearing course pavement. Additionally, some guardrail work will be performed to repair and replace damaged sections to bring full runs into compliance with

the current standards. Shoulder berms that have built up will be removed to facilitate better drainage from the road surface, and some ditching work may be performed to further aid in drainage. The corridor will be evaluated for the installation of Centerline Rumble Strips (CLRS). CLRS will be installed where the speed limit is 45 MPH or greater, the pavement width is 14 feet in both directions, and the traffic volume exceeds 1500 vehicles per day. The CLRS will be stopped at Town Highway intersections, and anywhere that a residence falls within 100 feet of centerline. In these cases, the CLRS will be stopped and resumed 100 feet from either corner of the residence. Mr. Atherton noted this project will be going through most of the summer and people may want to find an alternate route due to delays.

. The Annual inspection of our closed landfill was completed on May 27th by KAS.

. Mr. Atherton attended the VLCT Regulating Cannabis webinar on May 24th and sent the presentation slides to the Select Board on the 24th for review.

. Mr. Atherton attended the annual Vermont Emergency Management Conference on May 26th at the Lake Morey Resort and attended the following seminars: Case Studies for Flood Resilient Communities, Threat and Hazard Identification and Risk Assessment, VT ERAF: How to Best Meet the Needs of Our Communities, National Weather Service Tropical Storm Program Expands into Vermont this Summer... What Does That Mean for You?

. The Arnold District culvert bid opening took place on July 3rd. The apparent winning bidder was Poulin Landscaping at \$245,280.00. The 3-sided precast concrete box culvert cost is \$78,655.00 which brings the total construction and installation cost to \$323,935.00, which is a little under what was anticipated.

. Mr. Atherton held a meeting on June 8th with Representative Jerome, Representative Shaw, Pittsford Town Manager, and the Mosquito District to discuss the need for more larvicide funding and the best way to make the request to the Dept. of Agriculture. Mr. Atherton advised a letter is being drafted by the Mosquito District that will be reviewed by Representatives Jerome and Shaw prior to sending it to Anson Tebbets.

. The property appraiser for VLCT was in Town on June 8th to complete appraisals on all of the Town's buildings for insurance purposes.

Tim Guiles noted the electric car chargers have gone to cost. He tried them and was impressed the cost is 19 cents/ kilowatt hour as typically there is usually a premium. He was surprised with the add on charge of 75 cents/hour for parking and asked the Town Manager to look into whether there is flexibility in the pricing scheme to either reduce or eliminate the parking fee, as the Town does not charge for parking in any other municipal locations.

Judy Bunde, resident of 69 Park Street, reported she has had 5 inches of water in her basement since spring and there are other homeowners on Park Street that are having a similar issue. This spring the owner of 65 Park Street did some remedial work and is still having a problem. Residents of 67 Park Street have had 5 inches consistently since spring and have to pump it manually. On 71 Park Street, they did work in their basement and still had wetness this spring. They notified the Town and it was determined it was a freshwater problem, not sewage. She did not keep a log of the interactions, but Sam Glaser of 67 Park Street kept daily notes and they can

supply more information. Ray Counter of the Water Department reviewed the basements and found no leaks or defects. He also brought in some other people to try to solve the problem. There was testing of the stormwater and sewer system done in doing camera and die testing. Engineers from Aldrich & Elliott reviewed the situation but there was never any follow-up with written statements. They made good faith efforts over several weeks. Finally, three weeks ago the basements started to dry out with spring and the thaw over. The homeowners affected would like to see this be addressed during the summer season. One of the basements was dry for a couple of days and after the rain, the basement filled up again. The Town stopped doing anything and the engineer from Aldrich & Elliott does not think that the bioswales could be the problem. The homeowners have not done anything different but the Park Street construction happened. Ms. Bunde accepts the findings that the new structures are not the problem, but noted it is reasonable that the Park Street construction is the event that changed the situation. She would like the situation fixed and noted she is not looking to take money from the Town. She is disappointed the Town stopped researching this situation and it is reasonable to ask the Town to figure out what caused this. Seth Hopkins stated he has previously spoken to Ms. Bunde about this situation. Dave Atherton reported the Town has exhausted all that can be done and noted that Mr. Glaser had indicated he was going to hire an outside engineering firm. He stated if it were the Town's problem, they would fix it. The back and side yards are wet, but the area in front of the houses is not. Mr. Atherton noted there has also been flooding in other areas that the Town has not seen before. The base for Park Street is sand and there is very good drainage there. Jason Booth of Aldrich & Elliott reported bioswales were put in for drainage and this area has been reviewed and a camera was used on the street to assure that everything is working like it should. Mr. Hopkins advised the Town removed three large mature trees and in doing some research, he noted a mature maple could absorb several thousand gallons of water in a season and perhaps that is what is happening in that area. Ms. Bunde did not think the trees would have resolved this problem when Sam Glaser's basement flooded again after the recent rain. Mr. Booth advised he has been in both Sam's and Judy's basements and it appears it is coming up from under neath the floor and appears to be coming more from the High Street side. Mr. Atherton stated there were thoughts that an old storm drain from High Street was the cause of the problem, but it was found to have no interconnections. As far as the roadwork, the center of the road has been lowered as there was a high crown that sloped steep to the sides. Mr. Atherton did not think the road is the issue due to it being lower than before. They also reviewed the predesign in the Stormwater Management Plan that identified this as a priority project and there were some percolation test pits done and the perc rates were very good as it is all sand. The services are deep in Park Street, particularly the sewer line that goes up the southern side of the street and had consistent sand. There was no evidence of the groundwater table being raised in this area from the piping or bioswale work. The only other thing is a possible water leak and Ray Counter did significant checks in the area. It was noted there is no evidence of floor drains in the basements and everything found piping-wise from the south or north side of the road was reconnected so there was no mystery. Mr. Atherton was under the impression that Sam Glaser was bringing someone in to do research. Ms. Bunde advised Mr. Glaser has talked to three different engineering companies and there may be someone that can come in, but any remediation plan could be ineffective if it is not known where the problem is. Mr. Glaser wants to have an engineer take a look at this but is concerned about the costs. Ms. Bunde does not care to know why it is happened; she just wants her basement fixed. Mr. Atherton noted he would be fine with the Town hiring someone if it was the Town's issue but noted the front yards are dry and there are a

lot of impervious surfaces in the back yards. Mr. Atherton noted that there is not a bulkhead on Ms. Bunde's home and there have been heavy rains and issues in other areas where there were not problems before. The Town has exhausted every avenue. Mr. Atherton stated the only engineers he is familiar with are Otter Creek Engineering, Dubois & King, and Aldrich & Elliott. Tracy Wyman suggested Lincoln Applied Geology. Ms. Bunde stated the homeowners need some support from the Town as they are taxpayers. Mr. Atherton stated the Town has inspected the area and did leak detection and the water is not coming from Park Street. The backyards are wet and those are not the Town's responsibility. Tracy Wyman noted he had a similar problem in his basement and he had to figure out where the water was coming and was able to correct his problem. Mr. Atherton stated the Town did not leave the homeowners stranded as they researched and did all the testing they could and would have corrected the issue if it was found. Seth Hopkins suggested it might be beneficial for either Ms. Bunde or Mr. Glaser to arrange for an outside firm to review the area. Mr. Atherton suggested there is Dufresne Group out of St. Johnsbury or MSK out of Bennington as other possibilities. Mr. Atherton stated the weather has extremely changed with more rain and stronger storms in a shorter amount of time. Ms. Bunde will contact Mr. Atherton to obtain the names of the engineering companies to contact.

Kevin Cornet expressed concern about the curb near the Baptist Church that runs towards Sudbury as there have been numerous people that have gotten flat tires by running over it. Mr. Cornet asked if the Town could see if there could be something done to identify it. He stated there have been at least five people that have had tire blow outs. He has spoken to the Town Manager about possibly moving it or some other alternative. Seth Hopkins stated this is a recent placement of a curb from a recent project and was done for pedestrian safety. Dave Atherton stated the road is wide at the intersection and then narrows down. He reviewed it and spoke with Mrs. Bove who lives in the area about this situation. She had indicated there was no protective curb previously and cars travel fast down Champlain Street. It was noted the curb is there for a reason. The fog line could be extended and a delineator post added as there is currently no fog line on Champlain Street until the Town garage. Mike Markowski stated this section is over 10 feet wide that is more than enough for a typical car. Mr. Cornet noted people are still hitting it. Mr. Atherton reiterated the Town can extend the fog line and put a reflective delineator post in that location.

The Select Board meeting was recessed at 7:54PM to reconvene as the Board of Sewer Commissioners.

The Select Board reconvened at 8:08PM.

4. Public Comments and Participation

David Roberts, President of the Brandon Library, was present to discuss the parking in front of the library. He noted the library is in support of the neighbors but want to be sure there is ample parking for the library and noted they need every parking spot they can get. Dave Atherton advised this area has been reviewed as the Town has received concerns from adjoining neighbors about the safety in traveling out of their driveways. Mr. Atherton will be in contact with the neighbors again about the situation. Seth Hopkins asked if the library staff could park further along Park Street instead

of the head-in parking spots to provide more library parking. Mr. Roberts advised there is usually three staff people and they will be glad to work with the Town to figure this out. Tim Guiles suggested if there were lines for parallel parking, it would be helpful for people. Mr. Roberts stated they do parallel park on the other side but they want to be sure the parking spaces are maximized. Handicap parking spots require two spaces and the curb lowered. Mr. Atherton advised if lines are painted, there may be spaces lost due to the size that is required for a parking space. Mr. Atherton will be discussing this subject with the abutting neighbors to come up with a solution for the parking, while providing them visibility from their driveways.

5. Champlain Street Curb Concern

This item was previously discussed during the Town Manager's report.

5a. Energy Committee Funding Presentation

Jim Emerson, Chair of the Brandon Energy Committee, was present to request support from the Select Board for their July 4th parade entry. He noted the Committee is tasked with helping the Town reach its goals for reduction of greenhouse gas emissions and with educating and inspiring the community to take action connected with these goals. Mr. Emerson advised the Committee has information that is educational that they would like to include in the Brandon July 4th parade. They expect to use the information in the July 4th parade, at SolarFest gatherings, at the Davenport event, and other events in the future. The Committee also wants to build a rapport with the community and intends to enter a float in the parade that will include electric vehicles and electric bikes. Mr. Emerson provided a sample of a tee shirt with the Energy Committee's logo that would be used by the Committee members and volunteers for the events. The parade is about the future and they feel that entry in it is important. The Committee requested the Select Board authorize \$600 for the purchase of banners, placards, and tee shirts for the upcoming events. Seth Hopkins thanked Mr. Emerson for the spirit that they are putting into their work on the Energy Committee. Mr. Hopkins stated there was \$3200 placed in the next F/Y budget for the Energy Committee. Dave Atherton did not think the items requested fit with the outline of budget items for training and a survey and did not feel it was something that would come out of the operating budget. Tim Guiles suggested this is a great expenditure of money to support the Energy Committee and are reusable items and it is appropriate for the Committee to come to the Board when they need funding. Tracy Wyman suggested it should be a fundraising item. Mr. Hopkins advised the Board can't approve spending money on an adhoc type of basis but approve spending money in a comprehensive-type basis that is inclusive of the public. There are occasional requests of worthy projects but it is just not good practice to take items one at a time and he cannot support spending money that is not part of the process. Mr. Hopkins' recollection was the funds allocated for next year's budget were dedicated to a town-wide survey and this is a sponsorship opportunity and not something he could support from an operating point of view. Jim Emerson noted this would be for promotional materials and asked if the money could be expended after July 1st. Mr. Hopkins advised the Select Board would not consider a \$600 expenditure as it would be under the purview of the Town Manager to determine if it is an appropriate expenditure. Mr. Hopkins noted in this form of government, it is the Town Manager's decision and he would not push the Town Manager toward spending an amount of money. Mr. Guiles thought that committees that have a budget, while appropriate that the Town

Manager should review expenditures, should have latitude for spending. Dave Atherton reported the money is not available until July 1st and noted he advised Mr. Emerson if they could have the items billed after July 1st, the money would be available. Mr. Guiles stated when we have committees, we should give modest funding and allow them to spend as they see fit. Mr. Emerson stated there were three items for the budget that included a survey, energy conservation displays and promotional displays. Mr. Atherton stated the promotional materials in the budget request were more specific. Mike Markowski thought a fund-raising effort might be more appropriate. Mr. Hopkins suggested solar-type companies may be a better option for obtaining funding. He stated the Board has to be careful with what funding is spent on. Mr. Hopkins read from the 9th Article of the Constitution. Mr. Hopkins did not find that he could support the sentiment that the buying of tee shirts is going to be of service. He noted this is a management decision, not a board decision and expressed concern that previous work of the Energy Committee has not shown respect for the budget process. Mr. Hopkins advised there is no Board action required.

6. Consider Reduction in Number of Seats on the Planning Commission

Seth Hopkins advised this topic is for the Select Board to consider due to the number of people completing their terms with only 3 people remaining on the Commission and leaving 3 vacancies. Mr. Atherton stated there cannot currently be a quorum and the Planning Commission can have a minimum of 3 seats, but no more than 9.

Motion by Mike Markowski/Tracy Wyman to reduce the Planning Commission seats to five people. **The motion passed unanimously.**

7. Appointments

- a) Development Review Board - 2 seats (3-year terms ending June 30, 2025) – John Peterson and Jack Schneider*
- b) Development Review Board Alternate - 2 seats (3-year terms ending June 30, 2025) - Vacancy*
- c) Planning Commission - 3 seats (3-year terms ending June 30, 2025) – Jack Schneider, 1 Vacancy*
- d) Planning Commission - 1 seat (remainder of term ending June 30, 2023) - Vacancy*
- e) Planning Commission - 1 seat (remainder of term ending June 30, 2024) - Vacancy*
- f) Revolving Loan Fund Committee - 2 seats (3-year term ending June 30, 2025) – Stephanie Jerome and Karen Lynch*
- g) Revolving Loan Fund Committee Alternate – 1 seat - Vacancy*
- g) Rutland Region Transportation Council (1-year term ending June 30, 2023) – David Atherton*
- h) Rutland Region Transportation Council Alternate (1-year term ending June 30, 2023) - Vacancy*
- i) Rutland Regional Planning Commission (1-year term ending June 30, 2023) – Jack Schneider*
- j) Rutland Regional Planning Commission Alternate (1-year term ending June 30, 2023) - Vacancy*

Motion by Brian Coolidge/Mike Markowski to approve the appointments as presented. **The motion passed unanimously.**

Dave Atherton will advertise the list of vacancies to see if the Town can fill some of the seats. Seth Hopkins read the following Martin Luther King, Jr. quote: “Volunteers do not necessarily have the time; they just have the heart.” Mr. Hopkins thanked all the people that have stepped up to fill the commission spots and encouraged anyone interested in one of the vacant seats to contact the Town Manager.

8. Adopt Rules of Procedure for Select Board Vicious Dog/Wolf-Hybrid Hearings

Seth Hopkins reported there was a vicious dog hearing held and the Select Board used the VLCT’s procedures for the hearing and suggested this is an opportunity to formally adopt the model policy from the VLCT.

Motion by Tim Guiles/Tracy Wyman to adopt the rules of procedure for Select Board Vicious Dog/Wolf-Hybrid hearings as presented. **The motion passed unanimously.**

Mr. Hopkins advised a fair and reasonable solution was reached in a difficult situation. Dave Atherton noted the Passion4Paws group was very responsive and it was a pleasure to work with them.

9. Fiscal

a) Warrant – June 13, 2022 - \$189,684.11

Motion by Brian Coolidge/Tracy Wyman to approve the June 13, 2022, warrant in the amount of \$189,684.11. **The motion passed unanimously.**

Seth Hopkins thanked all who attended the meeting.

The Select Board recessed at 8:46PM.

The Select Board reconvened at 8:52PM.

Motion by Mike Markowski/Tracy Wyman to enter into executive session at 8:53PM for the appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313(3)(a)(3) to include the Town Manager. **The motion passed unanimously.**

10. Executive Session

The Town Manager left the meeting at 9:14PM and returned at 9:29PM.

Motion by Brian Coolidge/Tracy Wyman to come out of executive session at 9:40PM. **The motion passed unanimously.**

Motion by Brian Coolidge/Tracy Wyman to thank Wayne Rausenberger for his years of service on the Otter Creek Watershed Insect Control District as he has decided to close his term. **The motion passed unanimously.**

Motion by Mike Markowski/Tim Guiles that it is found that premature general public knowledge of the current contract with the NEPBA will clearly place the Town at a substantial disadvantage. **The motion passed unanimously.**

Motion by Mike Markowski/Tim Guiles to enter into executive session at 9:45PM to discuss the current contract with NEPBA under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes. **The motion passed unanimously.**

11. Executive Session

Motion by Tracy Wyman/Seth Hopkins to come out of executive session at 9:54PM. **The motion passed unanimously.**

There were no actions required.

12. Adjournment

Motion by Tracy Wyman/Seth Hopkins to adjourn the Select Board meeting at 9:55PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary