

## **Brandon Select Board Meeting February 14, 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, Bill Moore, Dennis Reisenweaver, Ralph Ethier, Jack Schneider, Liz Gregorek, Doug Perkins, Jeff Schumann, Richard Russ, Wayne Rausenberger, Mike Bailey

**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 Brian Coolidge/Tracy Wyman to adopt the agenda as amended. **The motion passed unanimously.**

Seth Hopkins suggested due to the heavy agenda that Items 2, 10, 11, 12 and 13 be combined to a consent agenda. All Board members were in agreement.

Tim Guiles questioned if the Town roads meet the standards for Item 11. Dave Atherton advised the Select Board approves the standards each year as it would affect State funding if not approved.

#### ***b) Consent Agenda***

**Motion** by Mike Markowski/Tracy Wyman to approve Items 2, 10, 11, 12, 13 as a consent agenda. **The motion passed unanimously.**

### **2. Approval of Minutes**

- a) Special Select Board Meeting – January 18, 2022
- b) Select Board Meeting – January 24, 2022

***Approved under Item 1b – Consent Agenda.***

### **3. Town Manager's Report**

Dave Atherton provided a report through February 12, 2022:

. Applied for a VTrans Class 2 Highway paving grant to repave the Arnold District Road from the intersection of Hollow Road north to the town line.

. Applied for a PACIF safety grant to cover the cost of new reflective roll-up warning sign for the Highway Department.

They are funding 100% on their grants this year.

. Had a meeting with the engineers and structure fabricator to discuss the Arnold District box culvert replacement. We are hoping to get this project out to bid in March for late-summer/early-fall construction.

. Currently reaching out to contractors to complete the repairs from the 1/31/22 flooding due to a broken pipe on the first floor of the Town Office. Disaster Recovery responded to the call immediately and had it cleaned up in six days.

A claim has been submitted with the insurance carrier and the damage assessor has already visited and will send their report to VLCT. They had one contractor look at the work already.

. The subgrant agreement was signed for \$458,970.00 for the three property buyouts on Newton Road. Once it has been signed by DPS, the appraisals will be ordered. There is also an additional grant for \$22,948.50 to cover all management costs associated with this project.

. Signed another subgrant agreement for \$7,612.50 with DPS that will cover 75% of the cost to update the Local Hazard Mitigation Plan.

. A tractor trailer hit the bridge on Carver Street that took a lot of time to clean up. The bridge inspector has been called to assess the bridge to assure that the bridge is okay.

### ***Rec Department News:***

. The Brandon Rec decided to cancel Winter Carnival this year.

. Baseball Sign-ups open up on February 28<sup>th</sup> for PK- 6<sup>th</sup>grades.

. A Jon Gailmor concert is tentatively scheduled for March 18<sup>th</sup>. Ticket details to follow.

. B-Rec is fielding a U12 soccer team to compete in the Rutland Rec indoor turf league starting in March.

. Writing a Summer Matters grant in hope of providing free summer camp opportunities for Brandon Youth. This is a competitive program.

. Carnival plans are brewing and hoping to secure the end of July date; Miller Amusements will be providing date by St. Patrick's Day.

. Quiz night with the Brandon Free Public Library will hold another 4-week session, this time at the Brandon Inn. Sign up your team @ Brandonpubliclibrary.org.

Seth Hopkins noted the Board appreciates the work that Mr. Atherton does on grant activity that the community benefits from. Tim Guiles asked what the extra grant for the management costs covers. Mr. Atherton advised it will cover work that is done by the Town's staff.

Wayne Rausenberger questioned the status of the estimate for windows at the town office as that was to be part of the repairs for the \$500,000 that was received for renovating the town office. Mr. Atherton advised that the estimate received was very high and they did not have enough money to do everything. Mr. Rausenberger requested another RFQ be done. Mr. Atherton will look into doing another RFQ.

#### **4. Public Comment and Participation**

Wayne Rausenberger asked when the kiosk in Kennedy Park will be removed. Dave Atherton noted they did try to remove them but were frozen to the ground and he will look into this again when the temperature warms up this week. Mr. Rausenberger asked if there were any decisions about how the ARPA funds will be used and how long the Town has to use them. Dave Atherton reported the Town has until December 2024 to obligate the funds to projects and until December 2026 to spend the funds. There has been discussion of using the funds for water/sewer projects like the Newton Road Pump station and continuing sewer down Champlain Street. Seth Hopkins stated there are projects like water/sewer and broadband that are automatically eligible and there are some projects the Board did not think would be good as they want to provide the largest benefit to the most people in the community. There were four projects discussed that appear to last a long time and be of most benefit to the Town.

Mr. Atherton suggested the Board meet at an earlier time for the next regular meeting as the Town Meeting is also scheduled for that evening. It was decided to schedule the February 28<sup>th</sup> Select Board meeting for 6PM in the Town Office prior to Town Meeting.

#### **5. Otter Creek Watershed Insect Control District**

Doug Perkins, Chair of the Otter Creek Watershed Insect Control District, advised the primary reason for their attendance was for introductions to the Select Board and to determine if the Board had any questions or concerns. Mr. Perkins introduced Jeff Schumann as Vice-Chair of their Board. Mr. Perkins stated Brandon has two representatives to the district however is missing an alternate and it is in the Town's best interest to have an alternate if a regular member is not present as the Town would only have one vote. Mr. Perkins asked if the Select Board had any questions and whether there are things the Board may want. Seth Hopkins thanked the District's representatives for attending and advised the Board feels well informed of the District from Mr. Rausenberger's and Mr. Russ' participation in the Town's budget process and the Board is in agreement with the operation. Mr. Hopkins asked if there has been consideration for the District to move from a calendar to a fiscal year. Mr. Perkins spoke with the State Grant Administrator and the sense of the Board has been because the mosquito season runs through the summer, a calendar basis would be better but the towns and state are on a fiscal year basis. It is

an item on the table and will be discussed again, but there is no decision yet. Wayne Rausenberger stated the reason for his question about the ARPA funds is he would like the Board to consider payment of the assessment to the mosquito district using the ARPA funds to take the burden off the taxpayers. Mr. Hopkins advised the ARPA funds are designed for economic recovery and operation assessments do not qualify. Dave Atherton noted the ARPA funds cannot be used for recurring cost. Liz Gregorek stated she lives in the High Pond area and asked if specific requests have to be made for spraying in that area. Mr. Perkins reported the BLS District website, under the Route Maps tab, shows all routes the District does adulticide spraying. Mr. Perkins stated if there is a special event that someone needs special attention, they can call the District. Mr. Perkins advised that as of December 28, 2021, Salisbury was the 4<sup>th</sup> town to approve the amendment that made it the legal date of the name change. Mr. Rausenberger noted the District is considered the Otter Creek Watershed but in the eyes of the IRS and Workman's Comp they have not yet considered the name change. The bank wants to know what the District's EIN # is, and it is 99.9% sure that it will be the same number. Mr. Hopkins thanked the local representatives for the work that they do and noted Mr. Russ and Mr. Rausenberger have represented Brandon for a number of years and the Board appreciates their work. Mr. Hopkins stated anyone who is willing to serve as the alternate to the Otter Creek Watershed Insect Control District can contact the Town Manager.

## **6. Consider Letter of Understanding from the Planning Commission Regarding Proposed Solar Project**

Liz Gregorek, Chair of the Planning Commission, was present to introduce the MHG Solar project. Ms. Gregorek stated the attachments provided in the Select Board's packet were provided by MHG Solar who is looking for a letter of approval for the project from the Town. They provided a presentation to the Planning Commission that was very comprehensive, completed the solar developer's questionnaire that is in the Brandon Town Plan and provided material to consider. The Planning Commission felt the project should be moved forward. Mr. Hopkins thanked the members of the Planning Commission and Energy Committee for attending the meeting. Mr. Hopkins noted there was viewshed mitigation discussed, concerns from an abutting neighbor were addressed and the RRPC has advised this is not prime ag soil. Mr. Hopkins asked if there is any town infrastructure in the area. Mr. Atherton advised there is none as the last sewer line is at the Champlain pump station.

**Motion** by Tim Guiles/Tracy Wyman to write a letter of support for MHG Solar to proceed with their project and request party status from the PUC. **The motion passed unanimously.**

Dave Atherton advised there is nothing on the Town's end that indicate an MOU is required. A meeting was held with MHG and they had a very good conversation and they are doing their due diligence. The PUC only requires a letter of support from the Select Board. Mr. Atherton stated the RRPC will also need to write a letter. Mr. Hopkins thanked the Planning Commission, as the Select Board defers to them for the extensive work to assure the projects fit the Town Plan.

Mike Bailey, representing SolarFest, noted they are in support of the solar project and SolarFest also hopes to meet with the Select Board at a later date. Dave Atherton advised he will invite MHG and SolarFest to do presentations for the Board after town meeting.

## **7. Consider Energy Committee Survey**

Jim Emerson advised the Energy Committee intends to do a survey to create a baseline for achieving the goal to reduce greenhouse gases to enable the Committee to measure progress going forward. They hope to distribute the survey electronically and also follow-up with a written version to those who do not have access to electronic media. The BEC will do a follow-up survey every five years to see what progress is being made and determine what efforts to focus on. Seth Hopkins stated the BEC had asked for funding that will start July 1<sup>st</sup> and asked if the BEC is requesting the use of some of those funds prior to July 1<sup>st</sup> or if they can restrict the survey to digital only until that time. Mr. Emerson stated they would like to get it done before July 1<sup>st</sup> and the cost would be around \$2,400. Dave Atherton advised he had a discussion with Lowell Rasmussen and he had advised that funding is not available to the BEC until July 1<sup>st</sup>. Tim Guiles asked if it is determined there is extra funding available in the budget if it could be provided sooner. Mr. Atherton advised the budget is running tight and he does not know if any funding will be available sooner. Mr. Emerson stated they would like to proceed with getting the survey ready and will discuss with the Town Manager later to see if funds are available. Mr. Hopkins stated there is no Board action required; the Energy Committee will develop the survey, issue it digitally before July 1<sup>st</sup> and then check with the Town Manager at a later date to see if there are funds available prior to July 1<sup>st</sup>. Mr. Hopkins thanked the Energy Committee for the work they are doing.

## **8. Town Meeting Discussion and Preparation**

Seth Hopkins reported the Town Meeting will be held on February 28<sup>th</sup> via Zoom and voting by Australian ballots. The ballots are mailed and people can drop them at the Town Office or at the Town Hall from 10AM to 7PM on March 1<sup>st</sup>. Mr. Hopkins thanked Tim Guiles for his work on the Town Report and asked if the honorees can be present during Town Meeting. Mr. Atherton will request them to be present. Mr. Hopkins noted the dedication is for the Police Department as a whole. Mr. Hopkins stated there is an exemption with the open meeting law for town meeting preparation and Board members can meet to discuss it. Tim Guiles suggested it would be good for the Board to be well prepared and suggested holding a brief meeting. Mr. Hopkins noted last year was a webinar format and the zoom will accommodate 500 participants. The Select Board could do a practice session. Mr. Atherton asked if there will be an option for people to attend who do not have a computer available and noted he is willing to facilitate a location so that people can attend. Bill Moore suggested reaching out to the schools to possibly make one of their computer labs available. Mr. Atherton will look into a location for people to participate via zoom.

## **9. ARPA Projects Discussion**

Dave Atherton noted he is the Chair for Fire District 2 and Mike Markowski is also a member of the Prudential Board for Fire District 1. There is a proposed use of ARPA funds for the connection of Fire Districts 1 and 2 with an estimated cost between \$85,000 and \$125,000 or 12% of the ARPA funding. Fire District 2 is the Forestbrook Development at the North end of North Street that has 58 homes. Seth Hopkins advised this is one of the projects that is on the list

of automatic approvals for ARPA funding as the regulations allow for towns to grant to other municipal entities that did not get direct ARPA funds, like fire districts.

**Motion** by Brian Coolidge/Tracy Wyman to approve the use of ARPA funds to connect Fire District 1 and Fire District 2 not to exceed \$125,000.

Dennis Reisenweaver advised the estimated cost does have a 10% contingency and it is hoped to cover any material fluctuation. Dave Atherton noted Fire District 2 had an estimate done that included a new hydrant and includes discontinuance of the well and the pump house. Work has been done with Otter Creek Engineering and these numbers came from that company and includes the entire project. Seth Hopkins asked if this would complete the entire project. It was noted that all funds are going to Fire District 1 and is for the total project. Tim Guiles asked the benefit to connect the systems. Mr. Atherton stated they have been looking to upgrade the pump station in Forestbrook but there were not enough funds to do the upgrade. In doing work with Otter Creek Engineering to provide alternatives, one of the suggestions was to connect to Fire District 1. There had been discussion with combining the two districts with the State and they have advised to maintain Fire District 2 for a certain amount of time but the physical assets of Fire District 2 will be combined with Fire District 1.

**The motion passed unanimously.**

Tracy Wyman requested the funding for the Newton Road Pump station also be considered for ARPA funding. Dave Atherton advised the estimated cost for the submersible pump station option is \$730,700.

**Motion** by Tracy Wyman/Brian Coolidge to approve the use of ARPA funds for an amount of \$365,350 to the Newton Road pump station reconstruction.

Tim Guiles stated the full cost would be the majority of the ARPA money and in his experience, he avoids borrowing and understands that, but he felt the ARPA money is supposed to be a way for towns to do things they would not normally do. He would like to move slow with this process, as it represents a large amount of funding. Seth Hopkins asked if funding could be available similar to what was done with the Champlain pump station. Dave Atherton advised the Town could borrow through the USDA. Mr. Hopkins was also not in favor of obligating 75% of the funding and has concerns with assuring a large portion of the community benefits from the funding. Tracy Wyman stated if the funding keeps the pump station from failing, the Town will benefit from it. Mr. Atherton stated the station is in very bad shape and it will need to be determined how to fund this project. Mr. Hopkins stated the Board should consider moving forward with funding this project. Mr. Atherton stated the user fees have already gone up for the \$5 million of upgrades of the wastewater treatment plant and additional borrowing would raise the user fees more. He noted previously a line went down and the Town had to pay fines to the State and had to have representation in Environmental Court and the sewer users had to pay the fines. Mr. Atherton stated the sewer system is 60 years old and needs upgrades and there is an opportunity to use these funds to repair a major item. Dennis Reisenweaver stated it is important to have a good sewer system in Brandon. Mr. Hopkins stated the sewer operating fund could fund the engineering through wastewater until it is determined how to fund the project. Ralph

Ethier suggested funding a portion project. Mr. Atherton noted the engineering costs are \$30,000. Mike Markowski stated knowing it is a pressing matter he would be in favor of funding half of the project with ARPA money and finding other means of funding the remainder of the project. Mr. Hopkins stated the Board has committed ARPA funds for the Fire District 1 and 2 connection and the Newton Road Pump Station engineering has been authorized through the wastewater fund and suggested the ARPA projects should be done in a prioritized way. Mr. Wyman thought the Board had determined at the last meeting to do the Newton Road Pump Station upgrade and since the Town has the ARPA funds, he thinks it is where the money should be spent. Liz Gregorek questioned whether broadband is being considered. Mr. Hopkins advised that broadband is another automatic use for ARPA funds and the Otter Creek Communications District is working to put out an RFP to expand it in the district. Bill Moore advised the State has \$160 million of funding for broadband that will be based on underserved miles of road in each community,

**Motion** by Tim Guiles/Mike Markowski to amend the original motion to fund half of the Newton Road Pump Station project with ARPA funds in an amount of \$365,350, with the remaining half funded through an alternative funding source. **The motion passed 3 to 2.**

**The original amended motion passed 3 to 2.**

#### **10. Approve Annual Financial Plan – Town Highways**

*Approved under Item 1b – Consent Agenda.*

#### **11. Approve Town Road and Bridge Standards**

*Approved under Item 1b – Consent Agenda.*

#### **12. Approve Certification of Compliance for Town Road and Bridge Standards and Network Inventory**

*Approved under Item 1b – Consent Agenda.*

#### **13. Fiscal**

*a) Warrant – February 14, 2022 - \$198,223.61*

*Approved under Item 1b – Consent Agenda.*

The Select Board recessed at 8:18PM.

The Select Board reconvened at 8:26PM.

**Motion** by Brian Coolidge/Tracy Wyman to enter into executive session at 8:26PM, with the session to include the Town Manager, to discuss the appointment or employment, or evaluation

of a public officer or employee under the provisions of 1 V.S.A. 313 (a)(3). **The motion passed unanimously.**

#### **14. Executive Session**

**Motion** by Brian Coolidge/Tracy Wyman to come out of executive session at 8:38PM. **The motion passed unanimously.**

There was no action required.

#### **15. Adjournment**

**Motion** by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:39PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary