

**Brandon Select Board Meeting
September 26, 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, Ralph Ethier

Others in Attendance: Dave Atherton, Mat Clouser, Marielle Blais, Bernie Carr, Bill Moore, Claire Astone, Jack Schneider, Carol Fjeld, Gary Meffe, Molly Kennedy, Cecil Reniche-Smith, Bruce Ness, Gail Cordner, Paula Ashley, Susan Benedict, Sandy Mayo

Other In Attendance Via Zoom: Bruce Jensen, Neil Silins, Francine Ethier, Susan Johnson

1. Call to order

The meeting was called to order by Seth Hopkins, Chair at 7:03PM.

a) Agenda Adoption

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

Add Item 7a - Authorize Letter of Support for Vermont Land Trust for Satz Property. Mr. Hopkins reported this item was received by the Board after the agenda had been submitted.

Add Item 12b – executive session to include Sandy Mayo regarding appoint to the DRB in accordance 1 V.S.A. 313(3)(a)(3) - Appointment or employment or evaluation of a public officer or employee.

2. Approval of Minutes

a) Select Board Meeting Minutes – September 12, 2022

Motion by Tracy Wyman/Tim Guiles to approve the September 12th Select Board meeting as amended. **The motion passed with one abstention – Ralph Ethier.**

Addition of Jan Coolidge to Attendees via Zoom.

3. Town Manager’s Report`

Dave Atherton provided the following report:

The Town had been one of eight municipalities selected to be a part of the VLCT Welcoming and Engaging Communities Cohort. Our Representatives Sue Gage, and Bill Moore, will be attending the first meeting on October 7th at the Town Fair in Killington.

The Newton Road pump station rebuild was completed last week and is fully operational. It is hoped to see an energy savings with the new pumps that should be significant. Mr. Atherton offered a tour of the facility to the Board members.

The culvert replacement on Arnold District Road is moving along. The heavy rain last week caused some delays due to the high flows in the Arnold Brook.

FEMA has awarded the Town the BRIC (Building Resilient Infrastructure and Communities) scoping grant for the North Street bridge replacement. This bridge has been identified in the last two Local Hazard Mitigation Plans as a priority project. Mr. Atherton is currently working on two more BRIC applications for scoping studies of the Wheeler Road bridge and culvert on the south end of Wheeler Road. These are both in a frequent flooding area and need to be upsized. This was also a priority in the Hazard Mitigation Plan.

The Town Farm Road project is moving along. It is tentatively scheduled for paving in mid-October.

The Town had a police officer respond to a call at a local gravel pit for a person who had shot themselves in the leg. The officer applied a tourniquet and saved the person's life. Mr. Atherton noted the Town has a great group of police officers.

Rec News:

Brandon Rec partnered with the Dunmore Hose Company to host their 7th annual cornhole tournament with a BBQ bash. The change in venue and addition of the Fire Department cooked BBQ was a win-win.

Fall sports are full in Brandon. There are 151 enrolled in youth soccer, 59 in football and 12 in cheering.

Harvestfest will be on October 2nd from 1PM to 4PM. Wagon rides, food and more at Estabrook Park.

Tim Guiles requested a tour of the Newton Road pump station.

4. Public Comment and Participation

Claire Astone stated the Town has a declaration of inclusion that was referenced at the last meeting. She stated the document looks good and the Board had signed the Town of Brandon Declaration of Inclusivity on January 26, 2021. She asked if this is a statement of policy, practice, social awareness or what it falls under. Ms. Astone asked about the language as there are opportunities to go along with a statement and ways to actualize things and turn them into practice. Ms. Astone asked if the Select Board has discussed this as it is a nice idea but does not talk about implementing it. Seth Hopkins advised the Board's direction was to form a committee that is made up of Bill Moore, Dave Atherton, and Sue Gage to develop additional implementation initiatives. This is a declaration of inclusion that was circulated around Rutland County. This is a policy statement at the board level and the initiatives are left to the committee who will collaborate on this effort. Mr. Hopkins does pass along information about mission statements and inclusion types of practices to the committee for their consideration. This is a process that is meant to be deliberative. Ms. Astone asked if this means the committee of three will be making suggestions to the Board and if it is the Board's intention that the committee will draft some recommendations. Tim Guiles stated this is a statement, not a policy and noted this was agreed to by the Board. Ms. Astone stated there are no teeth in this and asked what was the value of a practice idea that does not have teeth to have social change and equity in a town like Brandon. Mr. Hopkins stated it is a statement after which action occurs and will occur when the Equity Committee brings something before the Select Board. Ms. Astone hopes the Select Board will take some serious time to move Brandon forward and actualize being inclusive, and not just a declaration.

Marielle Blais thanked Bill Moore, Dave Atherton, and Sue Gage for their work on the DEI Committee. Dave Atherton stated they have met a few times on this subject. They are going to be part of a group with VLCT and there is also talk about joining the IDEAL group with the State of Vermont. Tim Guiles suggested the Committee could publicize their meetings. Bill Moore stated as a member of the DEI Committee, it was alarming to read Mr. Guiles quote in the paper referring to Ralph Ethier as a white man as it is out of context and not sensitive. Mr. Guiles stated Mr. Ethier had been talked about during the meeting and the discussion and comments made were that he should not have been appointed because he was a man. Mr. Moore stated that seemed off the cuff and did not sound good as a representative. Mr. Guiles stated it would not have been the quote that he would have chosen and agreed with Mr. Moore.

Sandy Mayo expressed concern there is a certain dog at the dog park that is digging lots of holes. All the people that go there take care of their dogs, but the owner of this dog does not repair the holes. It was noted there are a number of dogs that dig holes, but one dog that is really good at digging and most owners stop their dogs, but this particular dog is a hazard. Bill Moore stated he will have another conversation with the owner. Dave Atherton will have the Highway Department bring additional dirt to fill in the holes.

5. Library Presentation and Expansion Project and Funding Discussion

Carol Fjeld, Representative of the Brandon Library Board thanked the Select Board for the response, diligence in going on tours and for reviewing the information provided to them. She thanked the community as there has been a supportive

response for the project and thanked the Police Department for their assistance during the recent security issue the Library had. The historic library was updated in the 1960s and is a hub of activity for all different type of groups and is an anchor in terms of its location and what it provides to the community. It provides a meeting space, wellness, entertainment, technology and is an incredible resource for the community. The building is not capable of meeting the needs of the Town and there is an effort to expand the building. The building lacks ADA compliance and is in need of energy improvements for heating, cooling, and lights. Since it is a historic building, there is not an intention to disturb the historic space and the expansion will occur within the inside. There has been a private capital campaign and the Library is almost to a point of going to a public campaign. The Library is asking the Select Board to earmark \$100,000 of ARPA funds to help preserve the building and reach the vision for the community. Ms. Fjeld encouraged people to contact either Molly Kennedy or herself with any questions on the project. Tracy Wyman asked if the Library has reached out to any surrounding towns for appropriations like Sudbury, Goshen and Leicester who do not have libraries and utilize the Brandon Library. Ms. Fjeld reported the Library is on the appropriations for all of those towns and their town boards are also being asked for their assistance. Seth Hopkins thanked Gary Meffe for providing a tour and Ms. Fjeld for the information provided. Mr. Hopkins noted he was not surprised of the needs for the building but was surprised of how far along the Library fundraising is from individuals. Mr. Hopkins advised the Select Board did not anticipate obligating ARPA funds at this meeting as it is being done in a comprehensive way. The Town has around \$1 million in ARPA funds and when first allotted the funding, there was outreach and many suggestions were obtained. There has been a change to the criteria and a number of the projects are eligible now and the Board will be redoing the ARPA outreach. Mr. Hopkins felt a good town deserves a good library and he sees a lot of merit with the Library being a candidate for some of this funding. Claire Astone stated there had been the drama of a mentally ill person in Town and the Library had to close at one point. She stated many people assisted with this issue. Ms. Fjeld stated there was an amazing response from the police and the community to assist the Library during that time. Tracy Wyman noted the funding the Library has already raised is commendable. Gary Meffe stated this is an opportunity for the town governance to support the project at no cost to the taxpayers as many people have stepped up individually and this is an opportunity for the Town to support the Library. Mr. Hopkins advised the Town also uses funds for local matches for grants and suggested if there are State grants that require a contribution, this could be the smartest way to stretch the dollar. Mr. Hopkins suggested the Library's grant writer research to determine if there are any grants that require a local match.

6. Rutland Regional Planning Commission (RRPC) Representative's Report

Jack Schneider provided a written report to the Board. Mr. Schneider reported the RRPC had meeting last Tuesday with 16 of the 28 towns in attendance. There is a regional subcommittee for topics like solar development and Mr. Schneider answered questions about the Steinberg solar array and provide information on the document that is in the Brandon Energy Plan. The full committee indicated as long as there were no objections, they were going to issue a Letter of Support to the PUC. There was a presentation on the declaration of inclusion group and 23 towns signed with Brandon being the 2nd town to sign on and compliments were given to the Town. There was a review of the Vermont Economic Strategy that had been sent to the town managers and select boards with the public comment period now ended. The Treasurer's report indicates the RRPC is in good economic shape. The individual towns gave updates and 4 or 5 towns are applying for the Zoning Bylaws Modernization grant. Seth Hopkins noted concern that the Vermont Economic Strategy comment period had passed and only one board was aware of it. He noted that he is very conscientious about his town emails and advised the way that the RRPC sends emails to towns is of concern as they use the "bcc" function and it is not clear who should be getting the emails or who should be acting upon them. Mr. Hopkins had written to the prior RRPC director, Ed Bove, in February 2021 about his concern with this practice. He noted an example of an email received that was not clear. Mr. Hopkins suggested that all who should respond should be in the "To" line and no one should be on the "bcc" line because it is public record. Since the suggestion, Mr. Hopkins has not seen anything done about this situation and still receives emails that are addressed to one person. He is troubled by the insinuation that the Select Board received an email that they are to act on and will provide the email exchange to Mr. Schneider to discuss with the RRPC. Bill Moore stated he was aware of the comment period that ended September 9th as there had just been a presentation to the Rutland Region Chamber but noted there is still an opportunity to comment on the website. They are looking to fulfill the requirement so that Rutland, Addison, Chittenden, and Franklin counties will make up the region to apply for more federal funds. It was noted that Devon Neary, the new RRPC Director, is responsive and will likely be open to making those types of changes. Bill Moore noted as the Economic Development Officer, he has been more involved and there was not anything that caused him great issues and generally the strategy is that they are working on a final draft and there is additional opportunity to comment.

7. Regional Dispatch Update

Dave Atherton reported a letter was received from the Executive Director for Policy and Development on what is going to transpire with regional dispatch and groups for tentative approval of funds for grant applications. Mr. Atherton hopes to have some information after he attends the regional meeting. Representative Shaw had discussed this item previously but it is still in the infancy stages. Seth Hopkins questioned if the rescue and the fire departments are aware of this subject and asked if Representative Jerome might have more insight. Mr. Atherton will contact Representative Jerome to see if she has any information. Bill Moore stated the fire chief has been talking with other departments and there has been talk about being paired with Addison County rather than Rutland County. The fire chief is involved in the regional meeting. Mr. Atherton advised this is for the Board's information, but it is not sure what is going to happen. The rescue, fire, and police departments currently all use the same service.

a. Authorize Letter of Support for Vermont Land Trust for Satz Property

Seth Hopkin reported the Board received a request from the Vermont Land Trust to provide a letter of support for the Land Trust for the Satz property. It was initially indicated a letter would only be needed if the Board was opposed, however, the Land Trust has now indicated that a letter of support is needed. Mr. Hopkins noted this is an expansion of a current classification that they have. Mr. Atherton advised there is likely a template letter and will reach out to Vermont Land Trust.

Motion by Tracy Wyman/Brian Coolidge to authorize a letter of support to the Vermont Land Trust for the sale of the Satz farm. **The motion passed unanimously.**

8. Consider Cover Sheet for Appointments

Seth Hopkins reported he had drafted this document to cover questions that consistently come up when individuals are expressing interest in serving on a board. Tim Guiles thought it was clear and suggested it be adopted. Cecil Reniche-Smith asked if it would be attached to a person's letter of interest and made public. Mr. Hopkins noted it would be made public as part of the Select Board packets. Mr. Atherton stated there had been discussion of developing this document and agreed it looked fine. Mr. Hopkins suggested telephone numbers and email addresses could be redacted when publicizing. Sandy Mayo questioned if it conflicts with the HIPAA laws. Mr. Atherton advised there were items that had to be removed from employment documents but did not think there was anything conflicting with this document. Ms. Reniche-Smith advised in terms of employment applications, there were things that were illegal but HIPAA had nothing to do with it and it is known that this is public.

Motion by Tim Guiles/Tracy Wyman to approve the use of the Board/Committee Appointment document for people interested in applying for vacancies. **The motion passed unanimously.**

Mr. Atherton will add this document to the Town's website for the public's access.

9. Appointments

a. Development Review Board (DRB) (Remainder of Term ending June 30, 2023)

Seth Hopkins reported the Board received a letter of interest from Sandy Mayo to serve on the DRB. This vacancy is due to Ralph Ethier's appointment to the Select Board. There will be an interview during this evening's executive session. The Town's policy indicates the Board will announce a vacancy and request letters of interest that will be advertised in the public areas with the deadline for the letters to be received the Friday before the next Board meeting. Mr. Hopkins noted the Board received the letter of interest from Ms. Mayo, and the vacancy will be advertised for anyone else interested in applying for the position.

b. Planning Commission

Seth Hopkins reported the Board received a letter of interest from Cecil Reniche-Smith to serve on the Planning Commission due to Ralph Ethier's appointment to the Select Board. The Select Board has already interviewed Ms.

Reniche-Smith. The Planning Commission has multiple vacancies and one of the vacancies was advertised prior to Mr. Ethier's vacancy. For these reasons, it would be acceptable to act on this vacancy as it had been advertised a number of weeks ago.

Motion by Tim Guiles/Tracy Wyman to appoint Cecil Reniche-Smith to the Planning Commission for the remainder of the term ending June 30, 2024. **The motion passed unanimously.**

Mr. Hopkins thanked Mr. Ethier for his work on the Planning Commission and noted that currently Bill Mills, Bob Foley and Jack Schneider are the regular members of the Planning Commission and Sue Gage is the alternate.

10. Consider Purchase of Excavator

Dave Atherton advised a local contractor has a 1999 Case 9007B excavator for sale that has 1700 hours and a number of attachments included. The price is \$45,000 and a new machine with no attachments would be \$107,000. It is hoped that this could be purchased. With the work being done on Town Farm Road on both ends the Town already has \$12,000 in rental fees and will need another excavator to do work on Kennedy Road. In looking at rental versus the purchase cost, it would work well for the Town. It does have rubber tracks that would not hurt the roads and seems like a good opportunity for the Town. The Highway Department is doing a lot of ditch work and still have a need for an excavator to do certain jobs. Previously the Town had hired a contractor to do this work. There is local option money available and the Town is receiving about \$240,000 a year from this tax. Currently Sean's personal trailer is used for moving equipment but could look into a trailer. Tim Guiles asked how the value is established. Tracy Wyman advised he was just purchasing a piece of equipment for his business and he looked at a 2016 in NC with 6200 hours that was \$39,000 and also looked at the same machine that was 10 years older for \$60,000 but was a better machine. He noted one has to determine the shape of the equipment and he knows the person that owns this particular piece of equipment is very meticulous and he thinks the price is within reason. Mr. Atherton advised that Sean has looked at it and knows equipment. Tim Guiles suggested Tracy Wyman could take a look at it. Mr. Wyman would view it if necessary and suggested for transportation to look into purchasing a trailer. Mr., Atherton noted Sean does not mind using his trailer. Mr. Wyman thought the Town would likely put around 500 hours a year on an excavator with this piece of equipment only having 1700 hours. Mr. Atherton advised the Town has been consistent with Sean and he assessing the equipment without the Select Board viewing the equipment. Cecil Reniche-Smith asked if there is a Kelly Blue book for these types of equipment and Mr. Wyman advised there can be auction sites viewed, but they may not be a good option to base a purchase on. Mr. Atherton stated the person who is selling the equipment is well-known and is very meticulous.

Motion by Tracy Wyman/Ralph Ethier to authorize the purchase of an excavator from Donald Scarborough. **The motion passed unanimously.**

11. Updated Estimated Costs and funding Sources for Current Projects

Dave Atherton reported this document provides the Select Board information on the Town's approved funding sources. A new DPW garage was added to the list as he would like to get plans drawn up for this proposed project. The document provides a snapshot of projects and funding. The Arnold District project is still about \$25,000 and most was funded through a Class II Highway grant. The Union Street sidewalk project looks to be okay with the funding. The Town Farm Road project is wrapping up and there was discussion that a portion would be funded through the Local Option Tax fund. The salt shed has been put on the back burner. The New England Woodcraft project was funded through ANR with ARPA funds. The Newton Road pump station will be under budget and will be covered. Seth Hopkins confirmed that the excavator funding will come out of Local Option Tax fund. Mr. Atherton confirmed the Local Option Tax fund is at \$475,000 and can be spent on capital equipment and the ARPA fund is \$636,000. Mr. Atherton advised some of these projects are out a few years and the local options tax brings in about \$240,000 each year. The Arnold District and Town Farm projects are the priority for this year. Tracy Wyman noted that there is still around $\frac{3}{4}$ of the Town Farm project to do. Mr. Atherton advised that after review, there are sections that will not need to be replaced. Cecil Reniche-Smith stated a few meetings back, there had been discussion of doing a quick fix to the Pearl Street sidewalk. Mr. Atherton advised that would be done in-house and the major repair would be added to the list of projects for next year. Mr. Atherton reported that part of Carver Street will also be done and there will be a review of the lighting situation on Pearl Street. Bernie Carr stated the issue with the lighting is due to them being LED and the directional lighting does not have a broader lit area. Tim Guiles stated there is a concern with light pollution when the light is directed the wrong way. Mr.

Atherton reported the newer zoning regulations address this subject. Seth Hopkins stated the report can be examined and there will be additional discussion about the Newton Road pump station motion to possibly have the Wastewater Enterprise account fund some of that.

13. Fiscal

a) Warrant- September 26, 2022 - \$122,779.64

Motion Brian Coolidge/Tracy Wyman to approve the September 26, 2022, warrant in the amount of \$122,779.64. **The motion passed unanimously.**

Bill Moore thanked Sarah Patis who spearheaded the Adopt a Garden program, and thanked Robin Kent for creating the signs. It was noted they look amazing and Mr. Atherton advised many people did a lot of work this past weekend. Mr. Moore reiterated that Sarah Patis was the driving force to make it happen.

Seth Hopkins noted the next regular Select Board meeting will be October 10th but will begin at 7:30PM rather than the usual 7:00PM meeting time.

The Select Board recessed at 8:33PM.

The Select Board reconvened at 8:40PM.

Motion by Tracy Wyman/Tim Guiles to enter into executive session at 8:40PM for the appointment or employment or evaluation of a public officer or employee, to include Sandy Mayo, per 1 V.S.A. 313(3)(a)(3). **The motion passed unanimously.**

14. Executive Session

The Board came out of executive session at 9:01PM.

15. Adjournment

Motion by Tracy Wyman/Ralph Ethier to adjourn the Select Board meeting at 9:01PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary