

**Brandon Select Board Meeting  
September 12, 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

**Others in Attendance:** Dave Atherton, Mat Clouser, Neil Silins, Marielle Blais, Bernie Carr, Ralph Ethier, Jim Emerson, Bill Moore, Cecil Reniche-Smith, Claire Astone, Wayne Rausenberger, Jack Schneider, Susan Johnson, Jeff Sach, Stephanie Jerome, Abigail Spiegelman, Augustus Norris

**Other In Attendance Via Zoom:** Bruce Jensen, Sandy Jackson, Annie Stratton

**Motion** by Tracy Wyman/Tim Guiles to enter into executive session at 6:15PM with the session to include Marielle Blais. **The motion passed unanimously.**

**1. Executive Session**

The Board came out of executive session at 6:30PM. There were no actions required.

**Motion** by Tracy Wyman/Tim Guiles to enter into executive session at 6:31PM with the session to include Ralph Ethier. **The motion passed unanimously.**

**2. Executive Session**

The Board came out of executive session at 6:44PM. There were no actions required.

**Motion** by Tim Guiles/Tracy Wyman to enter into executive session at 6:45PM with the session to include Cecil Reniche-Smith. **The motion passed unanimously.**

**3. Executive Session**

The Board came out of executive session at 6:58PM. There were no actions required.

**4. Call to order**

The meeting was called to order by Seth Hopkins, Chair at 7:04PM.

***a) Agenda Adoption***

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

## 5. Approval of Minutes

*a) Select Board Meeting Minutes – August 22, 2022*

*b) Select Board Hearing Minutes – August 22, 2022*

**Motion** by Brian Coolidge/Tim Guiles to approve the August 22<sup>nd</sup> Select Board meeting and Select Board hearing minutes as submitted. **The motion passed unanimously.**

*c) Select Board Public Hearing Minutes – September 5, 2022*

**Motion** by Brian Coolidge/Tim Guiles to approve the September 5<sup>th</sup> Select Board hearing as submitted.

Seth Hopkins noted that due to the holiday weekend, the Animal Control person was not able to be present.

**The motion passed with one abstention – Tracy Wyman.**

## 6. Town Manager's Report`

Dave Atherton provided the following report:

Work has started on the Arnold District culvert replacement. The contractor has started demolition of the old structure and install of a diversion for the Arnold Brook. The road will be closed to through traffic for the entirety of the project. The detour is Route 7 North to Cram Road. The project will last until mid-October.

The Highway Department continues to work on rebuilding the south end of Town Farm Road. They have installed new cross culverts, rebuilt roadside ditches for drainage and rebuilt the road base. Next steps are vibratory compaction on dense grade and installation of smaller grade stone for asphalt base.

Mr. Atherton had a meeting with Devon Colman from the VT Division for Historic Preservation for the 4-year review of the Town's Certified Local Government and Historic Preservation Commission. Mr. Atherton asked for assistance in getting the Historic Preservation Commission up and running again and Mr. Colman has agreed to meet with them at their September 20<sup>th</sup> meeting.

Mr. Atherton had a meeting with Andres at Watershed Consulting to discuss next steps on the stormwater mitigation project at N.E. Woodcraft. There will be some exploratory work done with Wastewater as well as start the final design.

Mr. Atherton attended a VLCT webinar on the Infrastructure Investment Jobs Act. There is a large amount of grant funding opportunities available for road and bridge repair, repair and modernization of public transit, expanding rail service and installation of EV services. This is through the US Department of Transportation and more to come on this subject.

Delinquent Tax Update: the Town has collected \$18,662.75 of delinquent payments in just over two weeks.

Mr. Atherton reported the Steinberg Road Solar LLC project has filed their petition and the Town has a subscription for this project.

***Rec News:***

Thanks to Martin Fjeld, Brandon Rec is starting a Disc Golf program! October Thursdays will see youth ages 6-12 flinging discs of various types into goals at the Rec field at the Neshobe School.

Another fall, another Archery offering from instructor Melinda Hardt. The first of 4 lessons begin at Estabrook Park (Drive-In Side) at 4pm on September 14<sup>th</sup>.

Bill Moore stated speaking of the drive-in, in answer to the most asked question: No Virginia, there will be no drive-in movies this year. The rental fee for the projector was \$4,400, along with fees around each screening that range from \$400-600 proved to be too great for the ROI. Grants are being explored to purchase our own used equipment for 2023.

First Lego League Robotics Club starts September 14<sup>th</sup> with 2 new instructors. Thanks in advance to Jonathan Fries and Kevin Booth for stepping up to help out our fearless Robotics Commissioner and Otter Valley Tech Ed mastermind, Devon Karpak, to grow our budding robotics program. Registration for kids in grades 6-9 will remain open through the end of the month.

Aikido with Sensei Wade will resume with a new session beginning on October 13<sup>th</sup>. Both youth and adult classes will be taking place at the Brandon Town Hall this fall and winter.

Tracy Wyman stated a couple of residents have indicated they appreciate what the Town crew is doing and would like their comments passed along to them. Dave Atherton noted they have put in a lot of work and he will relay the message.

Seth Hopkins reported the Select Board has authorized a letter of support using the new case number for the Steinberg Road solar project.

**7. Public Comments**

Tim Guiles stated the Select Board had authorized the review of funds for a revolving loan fund to serve the Town. Sue Gage has provided an update on this subject to Mr. Guiles. Ms. Gage has raised the idea that some communities are working with Neighborworks to manage a revolving fund using ARPA funds. Seth Hopkins asked if Ms. Gage is looking at short-term for Town funds and long-term with ARPA funds. Mr. Guiles noted the ARPA funds could be for long-term. Mr. Atherton questioned how this would be different from the current Revolving Loan Fund the Town currently has. Mr. Guiles advised this would be parallel to the current business

loan fund that would allow for community members to improve energy efficiency and would be available to residential people only. Mr. Atherton advised the current Revolving Loan Fund assists businesses when they cannot get conventional funding through a bank. Mr. Guiles advised Neighborworks has a process and could assist with a revolving loan fund for individuals. Cecil Reniche-Smith asked if this would be for individuals who cannot get funds from conventional sources. Seth Hopkins advised for businesses the current Revolving Loan Fund is the lender of last resort. Stephanie Jerome stated this could perhaps be for people who do not qualify for other programs and are more in the middle. Mr. Guiles noted a proposal will be developed of who this fund would help.

Marielle Blais noted concern with the Select Board vacancy and her intention was to make her intention public. She would like to know if there is a procedure for breaking a tie and what the next steps would be. Seth Hopkins advised the Board is an even number, which is abnormal and the Board will have a vote and if it is 2-2, another motion can be made and if that is also a 2-2 tie, the only way to resolve it is to continue to vote until the Board has a majority vote. Ms. Blais stated there could conceivably not be a tie broken. Tracy Wyman consulted with the Secretary of State and their advice was the Board would have to keep voting until a majority vote was reached, and this could go until March. Ms. Blais stated the Select Board could ask for a special election. Seth Hopkins reported the Town Clerk was asked about the mechanics of a town-wide vote on the November ballot and Ms. Gage advised it would not be possible as the State prints the ballots and the only elections can be for justice of the peace. Mr. Hopkins stated a special election would have significant costs for the Town with printing and mailing of ballots and either paying members of the Board of Civil Authority to count the ballots or hiring the ballot machine vendor to do the update. It was noted it would be a few thousand dollars to fill a seat for 4 to 5 months.

Marielle Blais stated there has been a lot of talk about a statement of inclusivity and she urged the Board to consider what representation means. There were a number of people that said they were happy to see a woman running and she asked them to keep that in mind. If we want people to feel welcome in Brandon, and there are probably more women than men, it is important to see people who resemble them in public arenas.

Claire Astone stated this has been a non-process and she thinks we have a right to know who is interested in representing this Town. She did not think the Board was planful and asked how the Board picks a member and when not interviewing people is beyond her comprehension. She would expect more of the Select Board and thought they have let the community down. Ms. Astone took offense to Mr. Hopkins comment on Front Porch Forum.

Seth Hopkins noted he was not ashamed of comments he made on Front Porch Forum and stated the Board did create a policy in February 2021 that was followed. Ms. Astone knows the Select Board followed the rules but she thought they broke a connection with the Town by doing it behind closed doors. It is about transparency and it does give a bad taste to many community members. She thought this was a betrayal of a democracy.

Dave Atherton stated a lot of thought has been given about the process and agreed the Board did follow the process but there is a new level of transparency that is not written in a book that the

Town needs to start following. He has seen this with the VLCT conferences and with Regional Planning and he would be glad to look into this if the Board would like him to research it, as he thinks that is what the public is expecting.

Tim Guiles did not feel that anything the Board has done was not transparent and this is not a public referendum. The Board did not keep anyone from knowing anything and the Board is going through the process in an honest way. They cannot appoint in executive session and he has no regret for the way the Board has handled this process. Mr. Atherton stated people want to hear things in a different way. He noted the Town has a DEI Board and moving forward we need to use manuals on how to do things different and use them to the Select Board's advantage. The Board did follow the rules.

Seth Hopkins stated he has offered to help write a form that would be given to applicants for boards that would establish their residence and publicize their interest in the position. He thinks that would have headed off a potential rerun and offered again to create this form. Mr. Atherton agreed a form would be good.

Neil Silins stated following the request for letters of interest, he got a feeling the Board had gathered the names to themselves and did not release the names. He suggested there may need to be an election as the Board is selecting on some basis that is opposite of transparency.

Seth Hopkins advised there is direct democracy where everyone has the ability to weigh in and there is representative democracy. It is admirable for citizens to attend meetings and hearings. The 4,000 people in Brandon entrusted the Select Board to act on their behalf and it is a direct form of democracy. All Board members take this appointment very seriously. Neil Silins stated he is not commenting on the Board's authority or ability to choose someone, but that it is done behind closed doors.

Jim Emerson reported there were 622 attendees at the Solarfest event on Saturday. The event had 24 vendors, 7 musical performances and people came from all around. It was a success event and they are looking forward to building on this event. Seth Hopkins thanked the Energy Committee for their work with Solarfest.

Stephanie Jerome stated the Legislature is not in session but she is doing a lot of constituent work on a wide variety of constituent concerns and issues. She attended the Eastern Leadership Academy in Philadelphia that had legislators from Puerto Rico to New Brunswick that involved sharing practices. Representative Jerome is also the legislative appointee for the Board of Trustees meeting for the University of Vermont. She is also on a Film Commission Task Force that is studying the economic benefits of re-establishing a Vermont Film Commission, which may have benefits for rural economic development, if successful.

## **8. Consider Nomination for Town Fair Voting Delegate**

**Motion** by Tim Guiles/Tracy Wyman to nominate Dave Atherton as the Town Fair Voting Delegate for Brandon. **The motion passed unanimously.**

## 9. Presentation of Results of Green Fleet Policy

Tim Guiles noted the Green Fleet policy was developed in January 2020. He was able to go back a couple of years with the help of Elaine Smith and Jackie Savela to generate five years of data for the Town's carbon footprint. It was originally intended for vehicles, but Ms. Smith also provide propane and heating oil data. Mr. Guiles has the data for the municipality that he gathers once a year and uses a conversion to CO2 equivalents to get an accurate sense of CO2. This show how much carbon is created and most is used by the larger vehicles. It is interesting to note the numbers are increasing but the trend that is hoped for is to reduce it. It was noted the Town Manager has been very open to using less energy and is looking into heat pumps for the Town Hall and the Police Station. Tracy Wyman had also previously noted the Town is open to electric dump trucks when available. The important reason for this information is there needs to be an awareness. It was noted the State wants CO2 reduced to zero by 2050. Mr. Guiles stated part of the ways to reduce this would be electric police cruisers and other electric vehicles for the municipality. Mr. Guiles has been working with the highway department and he noted they have cut their fuel usage in half with managing the heat in their building. Mr. Guiles stated all the data is available and noted it is quite interesting for people who want to understand carbon footprint and how to do it better. Seth Hopkins thanked Mr. Guiles and the Town staff for providing this information. Mr. Guiles noted there are electric fire trucks and school buses available and the Energy Committee will be providing information on these items and he hopes that all are ready to contemplate the sources. Dave Atherton reported the Town did get an electric motorcycle for the Police Department. Mr. Guiles also noted that lawn mowers and weedwhackers would be good to use. The Town is also looking at getting bicycles for the Police Department when working the downtown area. Neil Silins asked what the CO2 usage was last year. Mr. Guiles noted there was a decrease last year due to Covid, but there has been a steady increase over the last five years. Brian Coolidge stated the highway department has been doing a lot on their own rather than contracting things out like in the past that is saving the Town money but could contribute to the increase. Mr. Atherton also noted the wastewater treatment buildings are old and could contribute to the increased propane and perhaps with the upgrade there could be a reduction there. Mr. Guiles suggested installing heat pumps in the buildings.

## 10. Appointments

### *a. Otter Creek Watershed Insect Control District Representative Alternate*

Seth Hopkin reported this position was publicized and Mr. Bailey's letter of interest was the only one received. Mr. Hopkins thanked Mr. Bailey for volunteering for this position.

**Motion** by Brian Coolidge/Tim Guiles to appoint Doug Bailey as the Otter Creek Watershed Insect Control District Representative Alternate for Brandon. **The motion passed unanimously.**

### *b. Select Board*

**Motion** by Tim Guiles/Seth Hopkins to appoint Cecil Reniche-Smith to the vacancy on the Select Board until March 2023. **The vote was 2 – 2 and no action was taken.**

Tim Guiles thought all the people who applied were qualified and was impressed with the letters and was confirmed with the interviews that the Select Board had held.

**Motion** by Tracy Wyman/Brian Coolidge to appoint Ralph Ethier to the vacancy on the Select Board until March 2023. **The motion passed 3 to 1 – Seth Hopkins.**

Tracy Wyman had talked to a number of constituents and there has been a lot of support for Ralph Ethier. Mr. Ethier has been in business in Brandon for 26 years and the term is until March when an election can be held. Tim Guiles thought it important to point out this is a temporary position and the voters will speak in March when full democracy will play its part. He was grateful there were three people running for the position. Seth Hopkins advised Mr. Ethier's seat will last through Town Meeting and requested he see the Town Clerk to be sworn in as a Select Board member. Mr. Hopkins thanked all three candidates for their willingness to step up and for their interviews.

Marielle Blais was disappointed the Select Board had a chance to make the board a little more diverse. Brian Coolidge noted at the last three elections there were women on the ballot. Tim Guiles noted he voted for both Ms. Reniche-Smith and Mr. Ethier because he thought they were the right people to serve on the Board. Ms. Blais thinks sexism is a well-known phenomenon across the country and the world and she still maintains her position that women deserve to have representation in Brandon. She noted that 80% of town clerks in Vermont are women and she would have gladly withdrawn her candidacy for Ms. Reniche-Smith. Bernie Carr noted concern about representation and stated Brandon has consistently had women involved in the community with Pam Jones and Pat Scott previously serving the community. He stated the trouble with political office is that many people do not want to run and he is worried the public face is not being represented as the Town has a well of great people. Mr. Carr stated we know what type of people are here and our volunteer pool is huge. Ms. Blais stated there has been a lot of excitement that Vermont is finally going to send a woman to Congress and she is thrilled that Becca Balint will be the first gay woman elected to Congress. She feels these issues are important and those who have daughters and granddaughters want to see people that look like them. Sandy Jackson stated she is trying to be fair and she thinks Brandon can be a forward-thinking town. Ms. Jackson suggested other towns have advisory committees and it would be interesting for the Select Board to create an advisory committee made up of women to find solutions and bring to the Board. She thinks it would be a good in-road to have a gender discussion. Tim Guiles thanked Ralph Ethier for his willing to be on the Select Board and noted what is getting lost in the discussion is that he is very qualified to do a good job. Cecil Reniche-Smith noted her appreciation for the vote for her. Dave Atherton would welcome letters of interest for anyone who would be interested in serving on the Planning Commission or DRB as the Planning Commission is getting too small and there is a lot of activity with the new zoning regulations and the Town Plan. Seth Hopkins advised that a policy that was developed in the spring of 2021 with public input indicates a member of a committee appointed by the Select Board would have to relinquish their seat if they were appointed to the Select Board. Mr. Ethier has served on the Planning Commission and the DRB. It was noted the DRB has an intense amount of narrow scopes and the Planning Commission has more broader scopes. Mr. Hopkins reiterated Mr. Atherton's request for anyone interested in serving on these boards to submit a letter of interest to the Town Manager.

## **11. Announce Vacancy of Constable**

Seth Hopkins reported this position had been filled by Chris Brickell, prior Chief of Police. The Board thanked Mr. Brickell for his service and noted if anyone was interested in serving in this position, it does require a Level II certification to enforce municipal ordinance violations. It was noted that Brandon's Constable is subject to the State Statute and will need to attain a Level II certification.

## **12. Consider FY23 Municipal Resolution for Bylaw Modernization**

Seth Hopkins reported this resolution was signed by the Planning Commission Chair and is before the Select Board for action. Dave Atherton stated there is \$650,000 in grant money for bylaw updates for municipalities relating to housing. Mr. Atherton noted the way things are changing, this would be a good option to get funding for updating the zoning bylaws.

**Motion** by Tracy Wyman/Brian Coolidge to approve the FY23 Municipal Resolution for Bylaw Modernization. **The motion passed unanimously.**

Tim Guiles asked what the cost will be to modernize the bylaws. Seth Hopkins noted the grant can be used for meetings, postings, and consultants. Dave Atherton advised the Town usually gets a municipal planning grant when updating the zoning and he is sure this process will be similar. He will reach out to Barbara Noyes-Pulling at the RRPC to discuss.

## **13. Discussion of the Draft Brandon Local Hazard Mitigation Plan**

Seth Hopkins stated this draft was introduced at a prior meeting. The draft is being brought back for discussion if there are any public comments concerning the draft. Dave Atherton advised some appendices will be done and it will be brought back to the Board for approval. Abbey Spiegelman who works for the Department of Health and Emergency Management is a team member working on the Hazard Mitigation Plan update. Seth Hopkins noted that in the calendar timeline in the draft, this is the meeting for public comments to be shared. He stated there were some thoughtful comments made at the previous meeting and a discussion of the likelihood of certain hazards and how it had been inventoried. Mr. Atherton stated the Committee identified these items. Ms. Spiegelman stated FEMA gives a list of natural hazards to consider and the members of the planning group rated the likelihood and the impact of the natural hazards. With no additional public comment, Mr. Hopkins stated the Committee will work to finalize the plan.

## **14. Fiscal**

### ***a) Warrant- September 12, 2022 - \$1,220,362.69***

**Motion** Tracy Wyman/Brian Coolidge to approve the September 12, 2022 warrant in the amount of \$1,229,362.69. **The motion passed unanimously.**



Cecil Reniche-Smith asked for clarification of the tire invoice for \$2,400. Dave Atherton reported this was for the Town's loader with the tire cost of \$1,700 and the road service at \$50/hour. Tim Guiles also noted the vast majority of the warrant was the school invoice.

It was noted the second executive session would be eliminated.

The Select Board recessed at 8:29PM.

The Select Board reconvened at 8:34PM.

**Motion** by Tim Guiles/Tracy Wyman to enter into executive session at 8:34PM for the appointment or employment or evaluation of a public officer or employee, to include the Town Manager, per 1 V.S.A. 313(3)(a)(3). **The motion passed unanimously.**

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

The Board came out of executive session at 9:10PM.

It was the consensus of the Board to request the Police Chief provide a schedule of what coverage would look like with 6 total officers, 7 total officers, or 8 total officers.

#### **16. Adjournment**

**Motion** by Tracy Wyman/Brian Coolidge to adjourn the Select Board meeting at 9:11PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary