

Brandon Select Board Meeting February 13, 2023

NOTE: These are unapproved minutes, subject to amendment and/or approval at the subsequent board meeting.

Board Members In Attendance: Seth Hopkins, Brian Coolidge, Tracy Wyman, Ralph Ethier, Tim Guiles

Others in Attendance: Doug Bailey, Maria Ammatuna, Jeremy Racine, Steve Bissette, George Fjeld, Jim Emerson, Cecil Reniche-Smith, Marielle Blais, Jack Schneider, Molly Kennedy, Tim Kingston, Carol Bertrand, Wyatt Waterman, David Snow, Kevin Smith, Linda Grace, Vicki Disorda, Sara Stevens, Jakob Sterns, Erin Kilpeck, Tom Kilpeck, Jim Leary, Nancy Leary, Matt Orchard, John Peterson, Judy Bunde, Bernie Carr, Sue Gage, Sandy Mayo, Claire Astone, Kevin Thornton, Jeremy Disorda

Others In Attendance Via Zoom: Bruce Jenson, Tricia Welch, Andres Torizzo, Adam Murach, Neil Silins, Nanci McGuire, Chris Brickell, Lynn Des Maris, Susan Johnson, Beate Ankjaer-Jensen, Dan Snow, Darcey Wsjenbeck, Jill

1. Call to order

The meeting was called to order by Seth Hopkins, Chair at 7:00PM.

a) Agenda Adoption

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

Under Item 9 – Addition of Road Postings

2. Approval of Minutes

A: Approval of Minutes

- a) Select Board Meeting Minutes – January 23, 2023***
- b) Special Select Board Meeting Minutes – January 30, 2023***
- c) Special Select Board Meeting Minutes – February 3, 2023***

Motion by Brian Coolidge/Tim Guiles to approve the January 23, 2023 Select Board and January 30th and February 3rd Special Select Board minutes. **The motion passed unanimously.**

3. Interim Town Manager Report

Dave Atherton's last day was Friday. The Town was fortunate to have Dave Atherton's leadership as Brandon experienced transformative infrastructure improvements and economic

growth. Eight years of his management has left the municipal government in a much better financial position than when he had started. Mr. Moore is happy to help during this period of transition, acting as interim manager to help bridge the gap between Dave and whomever the Select Board taps to be the community's next leader. There is still much in the way of getting up to speed on the many projects that were in the works.

Regarding the wastewater treatment plant upgrade, Naylor and Breen has been working hard to continue progress through winter with the proper cold weather concrete installation practices. The new south clarifier #2 tank is complete. The tank recently passed a 3-day leakage test with great results. The contractor has also completed the foundation walls and roof slab of the connected sludge pumping vault and waterproofed the exterior of that foundation. The footings and frost walls of the secondary control building addition (for the new screening room) have also been poured and are now backfilled. Electricians have made all necessary conduit penetrations into the primary control building and continue to work installing new lights as well as panel enclosures and some associated conduit.

VTrans structures grant information has been released. It is our intention to apply for a grant to replace a culvert on McConnell Road that had been identified by Shawn Erickson. Approval of the engineering and grant application will be a part of the board packet for the February 27th meeting.

Mr. Moore wanted to acknowledge the quick response of the Brandon Police Department to the swatting call at Otter Valley. Our officer on duty that day, Chief David Kachajian, responded immediately to the report. He was joined on scene by Pittsford Chief Warfle as well as Rutland Town police and Vermont State troopers dispatched out of the Rutland Barracks. Brandon Area Rescue Squad was on scene as well. The Chief and Mr. Moore were in contact with newly appointed Emergency Management Director, Seth Hopkins, through-out the incident.

With the outpouring of volunteers that have approached the Board regarding their placement on the town manager hiring committee, Mr. Moore would encourage the Board to ask some of these folks that do not get selected (to one of the 5 positions) to encourage them to stay involved and serve on some of our other boards/committees for which the Town needs representation and participation. These include, but are not limited to: the Planning Commission, Development Review Board, Otter Creek Watershed Insect Control District, Rutland Regional Planning Commission, Rutland Regional Transportation Council, Rutland County Solid Waste District, Otter Creek Communications Union District, and Brandon Revolving Loan Fund. Mr. Moore will work with the chairs of these boards to develop an onboarding/training process for each.

Recreation Department News:

The Grift concert on 2/4 was attended by 125 people. The next Town Hall special event will be the Brandon Idol Country concert on February 18th. 12 singers will be featured and adult beverage service provided by Mae's. Tickets - \$5 at the door.

Colleen Wright has been working hard to expand evening entertainment offerings at the Town Hall. March and April weekend nights are beginning to fill! Stay tuned for more information.

Otter Valley has partnered with the Rec to allow a move of our Table Tennis and Pickleball offering to their North Campus gym space.

Mr. Moore met with folks from the Brandon Free Public Library to coordinate their eventual move into this meeting room space. There will be some equipment moving out of this room and shelving starting to be moved in, in anticipation of the big move slated for the middle to the end of March. A smaller meeting room will be established in the town hall basement lobby area.

Seth Hopkins welcomed Mr. Moore to the Interim Town Manager position and looks forward to what Mr. Moore will bring to the job. Sue Gage thought it a great idea for people to become involved in the various committees outside of the Town Manager hiring committee.

4. West Seminary Park Stormwater Mitigation Presentation by Watershed Consulting

Andres Torizzo was present to talk about the stormwater mitigation project in the West Seminary Park. Nanci McGuire with the Natural Resources Conservation District was present to discuss the project. Mr. Torizzo reported the project is midway through design and is an underground chamber system that is designed to take stormwater from the park and bring it to an underground chamber and filter through a sand bed. There was a Stormwater Master Plan developed and this was one of the top projects recommended. They wanted to make the Select Board aware of the project that is funded through the Conservation District with grants and to obtain approval to continue with the design project to ultimately present the Town with a final plan. It is hoped the Town will take over the maintenance of the system that will have a manhole with a catch basin to collect sediment that will need to be cleaned out periodically. A Maintenance Plan will be written and they will look to the Town to maintain the system over time. Nanci McGuire stated with regard to the funding, the Conservation Group wrote a block grant for the final design, put it out to bid and hired Mr. Torizzo to do the final design. This starts with a 60% design and then once the Select Board approves the 60%, it will go to final design. Other funding will be researched for the construction, but they need approval from the Select Board and will have an Operations and Maintenance agreement developed to move forward with funding requests. Claire Astone asked the scope of the clean out and how many manhours would there be to do the periodic cleaning. It was noted the cleaning is done by a vac truck at the manhole and would be done by two people in about an hour and is a standard procedure. Bernie Carr advised there were three of these items put in for Segment 6 and this one could be added to that inventory. Bill Moore reported Tim Kingston will be doing the maintenance if approved. Kevin Thornton asked if there will be more blasting and how much construction should neighbors expect. Mr. Torizzo advised the project would require some new piping to the existing stormwater and it is hoped the chamber can be done on the side of the road so there is no blasting anticipated. There would be some cutting of new stormwater lines to connect the system, but the full design is not flushed out at this point. Mr. Carr asked where the sand filter will be located and how far into the village will it go. Mr. Torizzo advised the system is between the road and the basketball court adjacent to 28 West Seminary Street. Brent Buehler asked if it is all on town property or is there private

property involved. Mr. Torizzo stated the project is located on town property except there is an existing outfall just to the east of 28 Seminary Street. As part of the project they would add a stone pad and with the outfall being rebuilt due to the erosion of the outlet point, it would be good to rehab it. The chamber itself is on town land. Mr. Torizzo wanted the assurance from the Board that they would like them to continue their work with Ms. McGuire's Group. They will plan to attend another meeting once the next phase is done to speak about specific details of the design. Trisha Welch questioned the timeline of the project since it has been in the planning phase since 2017. Mr. Torizzo stated the Stormwater Master Plan was completed in 2017 and there were five projects identified and this is one of the five. They are now trying to get to the next milestone of 60% completed design and it is hoped that 100% of the design will be done in the next few months as the grant deadline is October.

Motion by Tracy Wyman/Ralph Ethier to proceed with the plan for the 60% design of the stormwater mitigation for the Seminary Park. **The motion passed unanimously.**

5. Public Comment and Participation

Seth Hopkins thanked everyone in attendance and shared some words from Governor Scott's speech concerning incidents seen at youth sport events in Vermont:

"All of us have an obligation to tone down the rhetoric, recognize the humanity in everyone, including those we disagree with, and just be better role models for our kids"

"We should all ask ourselves what we can do in our everyday lives to help bring down the temperature a bit and be a better human being."

"Almost everyone here just wants to make Vermont a better place. So let's use that as the starting point. Now, reasonable people can disagree on the issues. In fact, it's healthy to do so. But it doesn't mean we're not trying to do what we think is best, and it certainly doesn't mean we don't care about the wellbeing of others. We just have different thoughts and approaches on how to get there. It all comes down to respect and civility, and doing our part to calm things down a bit when tensions are high, and things get heated."

"It's never too late to be a better person."

Mr. Hopkins recused himself from the public comment section and left the room.

Tracy Wyman opened up the public comment section and advised that the decision has been made to extend the town manager search to the close of business on March 24, 2023. Mr. Wyman stated a link will be added to the description that is already online. This will also be posted with VLCT, Front Porch Forum, Facebook, Vermont Digger and the Reporter. Mr. Wyman reported four very diverse candidates have already applied with three being local and one from Tennessee.

Motion by Tracy Wyman/Brian Coolidge to extend the town manager search to the close of business on March 24, 2023.

Judy Bunde asked if the posting and agenda are going to be on Brandon's website and Mr. Wyman noted he will make sure it is on the site. Sandy Mayo thanked the Board for the extension and suggested it be advertised in the Times Argus.

Claire Astone thanked the Board for hearing the people in Town as the community deserves a search that is legitimate and transparent. Sue Gage suggested advertising in Seven Days. Mr. Guiles noted Seven Days and the Rutland Herald have a \$600 charge. Bernie Carr advised it could also be included in the Chamber Newsletter.

The motion passed with one no vote – Tim Guiles.

Seth Hopkins returned to the meeting.

Sue Gage advised the ballots are in the mail and some have been received back. If anyone wants to vote for the school, they have to request those ballots. Seth Hopkins noted by the time the annual town meeting is convened many votes have been cast. Mr. Hopkins advised the Town report is available on the Town's website and will be mailed soon. Sue Gage requested if people come to the polls to vote in person for the school that they bring the ballot they received in the mail, as there will be a limited quantity of ballots at the polls. Bernie Carr noted when switching to Australian ballot, it changed the town meeting, but on the positive side many can vote who could not come to the meeting. Mr. Carr asked what the State statute is for holding the meeting in advance of voting day. Mr. Hopkins noted some towns hold the meeting the Saturday before voting. Mr. Hopkins stated town meeting voting from the floor is good to maximize answering questions and Australian ballot is good to maximize the voters. As far as the process, the chief item is the Town's operating budget that is created during an open public process of workshops that have been 4 two-hour workshops and there is an opportunity for all public who want to weigh in to be part of the process. There is a reasonable accommodation to include more voices. Kevin Thornton stated Australian ballot narrows what is considered the democratic duty and participation and noted that he is on the local school board and their annual meeting had one person participate last year and he feels the Town is headed in that direction. Mr. Hopkins noted there are lots of limitations for people to attend a town meeting. Nancy Leary asked if the budget meetings are warned and it was confirmed they are posted in the same manner as the Select Board meetings. Mr. Carr stated there used to be 150 to 200 people at town meeting prior to moving to Australian ballot and felt that those people were making an informed decision when voting. Bill Moore stated as the Town Moderator, he thought there could be special Select Board meetings prior to the Town meeting for people to ask questions. Mr. Hopkins advised the only way to make changes in the budget would be during the budget workshop meetings. Mr. Carr stated there used to be a Pre-town meeting and suggested having one in the beginning of February. Maria Ammatuna stated with the budget being yes-no, there was a time when the Select Board would separate the larger budget items appropriation-style so that people felt more in control of the budget. Judy Bunde stated there had been years when the budget did not pass and the Select Board would pull out the large ticket items. Sandy Mayo stated in Charlotte, town meeting was held on a Saturday morning. Ms. Mayo also noted that some Vermont towns have a "decency-type" board and people that are out of line are spoken to. She stated many people are passionate and suggested it is good for someone to fact-check and suggested the creation of an ethics board. Kevin Thornton stated we have contentious issues and have a right to speak up and a "decency" board leads to not speaking. The sole advantage is that we know each other and can speak to each other, and the idea of censorship is a steep slippery slope. Dave Snow stated he

attended his first town meeting 35 years ago and depending on who the person was, depended upon whether they were allowed to speak.

6. Selection of Diversity & Inclusion Committee for Town Manager Interviews

Seth Hopkins recused himself from this agenda item and left the room.

Tracy Wyman advised there were 14 candidates for the 5-member committee. Mr. Wyman stated the selection process could be either for the Select Board to choose the members or to draw five names from a hat. It was questioned when the interviews would take place and whether they would be public. Mr. Wyman advised the interviews would take place in April, likely in the evening and would be private due to candidates who may be leaving other positions. A show of hands by the meeting attendees was in favor of pulling names from a hat. Bernie Carr stated the point of the committee was creating a diverse committee and expressed concern when drawing names. Mitch Pearl suggested since the process is not going to take place for more than a month that an alternate should also be chosen in case someone is not available. Tracy Wyman stated the role of the committee would be to craft their questions for the interviews and the Select Board will take all answers into consideration when choosing the Town Manager. Vicki Disorda asked if the Board were to make the decision whether they have information on the people who have expressed an interest in being on the committee to assure a diverse group is chosen. Mr. Wyman advised some of the candidates have expressed their beliefs. Judy Bunde noted pulling names would be more neutral and suggested extending the time to submit a letter of interest since the application deadline has been extended. Tom Kilpeck suggested an exit poll could be done on election day as another option. Tricia Welch stated voting a Select Board is for those members to make the decisions for the Town and noted that adding another committee is second guessing the Select Board. Tim Guiles stated everyone is looking to bring an eye towards diversity and he considers all of the people who applied to be good candidates. Carol Bertrand asked if the committee will provide input after reviewing the candidates. Mr. Carr noted the Town votes the Select Board in to be responsible to the Town and putting names in a hat makes no sense. Mr. Wyman suggested the choosing of the committee could be the decision of the newly elected Board. Tim Guiles did not agree the new Board would make the decision stating the current sitting Board should decide. David Snow stated the Select Board does not have to include community members in making the decision. Kevin Thornton stated the Select Board needs to think that the people have diverse experience and it is the the Select Board's decision for the committee. Doug Bailey stated 8 ½ years ago there was a sitting Select Board and there was not a committee, with the Select Board interviewing and ultimately hiring Dave Atherton. There was no criticism and he felt the Board is afraid to make decisions because they are going to be criticized and pulling out of a hat eliminates that. He stated it is time we get together as we are small town and we have a good acting town manager and according to State Statute, the Select Board has the power to make the decision. Maria Ammatuna noted she was on the Select Board that appointed Robin Bennett and encouraged the Select Board to have standardized questions and assure the candidates are evaluated for the skillset. The Select Board will decide what the questions are and they have to be cautious so that diversion and inclusion are not the only things to look for, but also that the candidate possesses the skillset to do the job. Tricia Welch agreed with the Ms. Ammatuna noting that Brandon is made up of a diverse group of citizens that elected the Select Board and she believes it should be the Select Board that should be doing the hiring. Mr. Wyman called for another show of hands and the vote was for the Board to choose

the committee. Mr. Wyman thanked all who volunteered. The list of volunteers expressing interest in participating on the Diversity and Inclusion Committee for the Town Manager interviews were Jim Emerson, Claire Astone, Eric Mallory, Sharon Stearns, Carol Bertrand, Brent Buehler, Susan Benedict, Mitch Pearl, Paula Ashley, Sara Stevens, Rochelle Sandler, Vicki Disorda, Lyn DesMarais, and Marielle Blais.

Tim Guiles suggested members: Paula Ashley, Sharon Stearns, Sara Stevens, Vicki Disorda and Rochelle Sandler

Ralph Ethier suggested members: Brent Buehler, Sharon Stearns, Sara Stevens, Vicki Disorda and Rochelle Sandler

Tracy Wyman suggested members: Claire Astone, Carol Bertrand, Brent Buehler, Sara Stevens, Mitch Pearl

Brian Coolidge suggested members: Claire Astone, Sharon Stearns, Vicki Disorda, Brent Buehler, Sara Stevens

Tim Guiles suggested Sue Gage would be a good selection as the 5th member as she will be working closely with the Town Manager and is a member of the Town's Equity and Inclusivity committee.

Motion by Tim Guiles/Brian Coolidge to appoint Sharon Stearns, Sara Stevens, Vicki Disorda, Brent Buehler and Sue Gage to the Diversity and Inclusion Committee for the Town Manager interviews, and Rochelle Sandler and Claire Astone as Alternates. **The motion passed unanimously.**

7. Announce Vacancies

. Rutland Regional Transportation Council Representative

. Deputy Health Officer

Mr. Hopkins stated these are two positions that Mr. Moore had previously mentioned that had been held by Mr. Atherton and encouraged volunteers to reach out to the Select Board if interested in these positions.

8. Appoint Emergency Management Director to Regional Emergency Management Committee (per Statute)

It was noted that Seth Hopkins had stepped into this position because he had finished the FEMA training, but Mr. Hopkins noted if anyone would like to be appointed as the Emergency Management Director, they could reach out to the Board. The appointment requires ICS training. Tracy Wyman advised that Seth Hopkins and Tom Kilpeck are up for appointment for the position.

Motion by Tim Guiles/Tracy Wyman to appoint Seth Hopkins as the Emergency Management Director to Regional Emergency Management Committee. **The motion passed with one abstention – Seth Hopkins.**

9. Consider Certification of Compliance for Town Road and Bridge Standards and Network Inventory

Seth Hopkins advised this is an annual certification and is an accurate road and bridge inventory.

Motion by Brian Coolidge/Tracy Wyman to approve the Certification of Compliance for Town Road and Bridge Standards and Network Inventory. **The motion passed unanimously.**

a. Road Postings

Bill Moore noted this posting is the same as last year and has been addressed and discussed with the Town's Road Crew. Mr. Moore advised the date of the posting can be chosen and it was decided to post the roads immediately.

Motion by Tracy Wyman/Ralph Ethier to post the same roads with the same limits as last year. **The motion passed unanimously.**

10. Consider Annual Financial Plan – Town Highways

Seth Hopkins advised this is a statement from the Select Board about raising taxes in the amount of \$300/mile for the town's highways and it was noted that there was in excess of \$10,000 raised.

Motion by Tracy Wyman/Ralph Ethier to approve the annual Financial Plan for Town Highways. **The motion passed unanimously.**

11. Consider Vermont State Revolving Fund Loan Agreement

Seth Hopkins advised this agreement is regarding the wastewater treatment facility. Sue Gage stated the agreement is for \$1,519,457.00 and is related to the wastewater treatment facility project. There will be much covered by the USDA grant and loan that has already been done and this is in addition to the loans, but will likely be much less than this amount. There will also be a pollution grant of \$500,000 and the Town will be applying for more ARPA State money, in addition to the Town's ARPA funding. It is likely the loan amount will be about \$300,000.

Motion by Tim Guiles/Tracy Wyman to approve the Vermont State Revolving Fund Loan agreement. **The motion passed unanimously.**

12. Fiscal

a) Warrant – February 13, 2023 - \$160,898.49

Motion by Tracy Wyman/Ralph Ethier to approve the warrant in the amount of \$160,898.49. **The motion passed unanimously.**

Tim Guiles advised two meetings ago some people on zoom had requested to stay in the waiting room and be brought back at the end of the executive session and noted this would be done at the end of the executive sessions this evening.

Bernie Carr reported the Candidates Forum is scheduled for Tuesday, February 21st at the Town Hall. On February 24th, there will be an event at the Town Hall about movies that have been based in Vermont.

The Select Board recessed at 8:50PM

The Select Board reconvened at 9:13PM.

Motion by Tracy Wyman/Ralph Ethier to enter into executive session at 9:14PM for the appointment or employment or evaluation of a public officer or employee, to include the Town Clerk and Interim Town Manager per 1V.S.A(313)(3)(a)(3). **The motion passed unanimously.**

13. Executive Session

The Select Board came out of Executive Session at 9:30PM. There were no actions required.

Motion by Seth Hopkins/Tim Guiles to enter into executive session at 9:31PM for the appointment or employment or evaluation of a public officer or employee, to include the Interim Town Manager per 1V.S.A(313)(3)(a)(3). **The motion passed unanimously.**

14. Executive Session

The Select Board came out of Executive Session at 9:47PM. There were no actions required.

Motion by Tracy Wyman/Tim Guiles to enter into executive session at 9:50PM without the Select Board Chair to examine the Town Manager applications received per 1V.S.A(313)(3)(a)(3). **The motion passed unanimously.**

15. Executive Session

The Select Board came out of Executive Session at 10:03PM. There were no actions required.

16. Adjournment

Motion by Brian Coolidge/Ralph Ethier to adjourn the Select Board meeting at 10:04PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary