

**Brandon Select Board Meeting
May 8, 2023**

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

Board Members In Attendance: Brian Coolidge, Tim Guiles, Tracy Wyman, Cecil Reniche-Smith, Heather Fjeld Nelson

Others In Attendance: Seth Hopkins, Bill Moore, Stephen Jupiter, Brent Buehler, Sam Stone, Wayne Rausenberger, Doug Bailey, Heather Fjeld, Marielle Blais, Neil Silins, Jan Coolidge, Mike Frankiewicz, Sue Gage, Ralph Ethier, Steve Bissette, Trisha Welch, Helyn Anderson, Judy Bunde, Jack Schneider, Jim Emerson, Tom Kilpeck, Peter Werner, Karleen Werner, Barbara Scribner, Scott Scribner, Sharon Stearns

Others by Zoom: Bruce Jenson, Annie Stratton, Nancy Leary, Susan Johnson, Sara Stevens, Larry Stevens, Heather Norton

1. Call to order

The meeting was called to order by Tracy Wyman – Board Vice-Chair at 7:20PM.

a) Agenda Adoption – Motion by Cecil Reniche-Smith/Brian Coolidge to adopt the agenda as amended. **The motion passed unanimously.**

Add Item 8a – BEC Presentation on Solar Decommissioning

2. Approval of Minutes

a) Special Select Board Minutes – April 17, 2023

Motion by Brian Coolidge/Tim Guiles to approve the minutes of the April 17th Special Select Board meeting. **The motion passed with two abstentions – Heather Fjeld Nelson and Cecil Reniche-Smith.**

b) Select Board Minutes – April 24, 2023

Motion by Cecil Reniche-Smith/Brian Coolidge to approve the minutes of the April 24th Select Board meeting. **The motion passed with one abstention – Heather Fjeld Nelson.**

3. Board reorganization

a) Board Chair

Motion by Cecil Reniche-Smith/Brian Coolidge to appoint Tracy Wyman as the Chair of the Select Board.

Tracy Wyman advised he is not a computer or an email person but will be reactive and return telephone calls. He has had requests to consider the Chair position from people and he appreciates the support.

Tim Guiles noted he has a great respect for Mr. Wyman but has concern whether the things the Board Chair needs to do are items that he can do, that include correspondence with people via email and writing the year-end Town reports and is not sure if Mr. Wyman is a good fit. Mr. Wyman noted the Statute reads the chairperson is responsible for running the meetings, attend functions of the town and assist with setting the agenda. He did not believe that Mr. Guiles' comments had to do with chair duties according to state statute.

The motion passed with one no vote – Tim Guiles.

b) Vice-Chair

Motion by Brian Coolidge/Heather Fjeld Nelson to appoint Cecil Reniche-Smith as the Vice Chair of the Select Board. **The motion passed unanimously.**

c) Clerk

Motion by Tim Guiles/Brian Coolidge to appoint Heather Fjeld Nelson as Clerk of the Board. **The motion passed unanimously.**

4. Town Manager's Report

Seth Hopkins provided the following report and submitted the report in advance.

“Focus Areas During Reporting Period:

Mr. Hopkins met with nearly off (22 of 24) of the town staff at their duty stations for introductions and to gain understanding of their approach to their work: wastewater (2), highway and buildings & grounds (5), town office (4), town clerk's office (2), assessors (2), police (4 officers plus one administrator). One police officer is away on training, and one is at the police academy, so I have not yet met with those two.

I have had frequent meetings with deputy town manager Bill Moore, who continues to provide me valuable and ongoing situational awareness and other onboarding/orientation. Bill Moore and I have exchanged offices: he is in the SW corner and I am in the NW corner.

I provided some time management strategies and shared relevant resources from the Eisenhower Foundation with select staff.

We completed the transfer of the two E-Bikes (electric-assist bicycles) which the Brandon Energy Committee obtained by grant funding from the Climate Catalysts Innovation Fund of the Vermont Council on Rural Development.

I have provided a posting procedure guidance document to all town boards and committees to foster our efforts at transparency and compliance with Vermont Open Meeting Law.

Residents' Concerns:

*. Stormwater reported to be running past rather than into the storm drain at Park & High Streets
. A decaying tree on Fox Rd reported to be at risk of coming down on a home.
. A culvert near the wastewater plant reported to be flooding a portion of neighboring property. Highway Foreman Shawn Erickson and I inspected all these in site visits in one 30-minute trip. He will take appropriate action; none is of an emergency nature. I have followed-up with phone calls to two and an email to the third resident who had raised the matters. The residents appear supportive of the plans Shawn has to address these items.*

Bill Moore also fielded two residents' public works concerns, a culvert on Richmond Road and a drainage issue on Maple Street and coordinated a response by Shawn Erickson.

I have reached out to a community member who uses mobility assistance to ascertain the best way to facilitate access to the town office building from the sidewalk without assistance.

A replacement motor for the town clock was ordered by Bill Moore in late February but is still a number of weeks out, as the item is non-stock; an old design must be reproduced to power the existing gears of our antique clock.

Staffing:

All town departments are operating at full authorized staff with the exception of the police department. The police department (in addition to the administrative position) is authorized/budgeted at a staff of 7 law-enforcement officers (including the chief of police) and currently has 5 on-staff plus 1 at the police academy. Full staffing (7) should be achieved Q2 of 2024.

The Town of Brandon continues to be seen as a desirable place to work. Many Vermont towns are struggling to attract and retain staff; our intentional efforts in this area over a number of years are serving the Town well in this extraordinarily tight post-pandemic labor market.

For Awareness of the Select Board:

I met with Wanda Murray of the Town Attorney's office regarding the tax sale. The Select Board had appropriately suspended tax sale during the pandemic, and returning to an annual tax sale as routine business is sound practice for the Town's financial stability and for equitable sharing of the tax burden across the community. Wanda advises that the tax sale would likely occur late in the summer but may be early in the fall.

The engineers ("KAS") who monitor groundwater at the Town's landfill site have been directed by the State of Vermont to commence testing for PFAS (poly- and perfluoroalkyl substances). This is, to use their term "costly". The monitoring prior to adding the PFAS testing is done semiannually at a cost to the Town of \$2905 per visit / \$5810 per year. This item was budgeted at \$0 in the current year's budget, although a 6 December 2022 report from the engineering firm (relevant pages provided in board packet) indicated next monitoring would be May 2023. The State of Vermont (Dennis Fekert) has confirmed to me our ongoing obligation, stating that the Town "still must sample the closed landfill as well as maintain the cap". The PFAS sampling and analysis on its own is \$1826 per visit/ \$3652 per year. The results of the first PFAS this spring will determine whether further PFAS monitoring will be required. This is potentially an annual \$10,000 recurring budget item.

The Town received confirmation on 1 May that Brandon has zero segments of our municipal road network out of compliance with Vermont's Municipal Roads Stormwater General Permit. Again, this is the result of a strong and sustained effort by previous boards, management, and staff.

Brandon has taken seriously its responsibility to manage stormwater and availed itself of several significant opportunities to fund the necessary work to achieve State standards.

The engagement letter for the FY23 audit was authorized by Bill when he was interim manager. The firm is the same one we've had for the past few years which would tend to make their work efficient.

This was budgeted at \$14,000: the quote has come in at not-to-exceed \$16,000, but the wastewater enterprise fund carries \$2,000 of the audit cost, so this should be an on-budget item.

The Otter Creek Communications Union District no longer requires the ARPA set-aside (local match) of \$56,000 it requested at the selectboard meeting of 10 January 2022. The selectboard by consensus had agreed to consider this request in future ARPA discussions. No board vote was taken that night, so no action to rescind is necessary. Going forward, that amount can be viewed as unobligated ARPA funding and available for use as determined and directed by the board."

Cecil Reniche-Smith asked since the State is requiring the PFAS monitoring if there may be State funding. Seth Hopkins will follow-up on this, but the engineers did indicate it is on the Town. The first test will determine the on-going monitoring mode.

Brian Coolidge asked about the North Street bridge. Mr. Hopkins reported the State is conducting a scoping study. For the Arnold District, the Town will do the major ditching and was awarded a Class 2 paving grant. Mr. Coolidge asked about the culvert that was done last year. Mr. Moore had worked with the contractor and the money was held back. These funds will be

used by the paving contractor that will be mostly funded with the Class 2 paving grant and the funds that were not paid to the previous contractor.

Mr. Hopkins reported Shawn Erickson has indicated the Wheeler Road sections would be a priority. There is \$150,000 paving amount from the highway carry forward from the previous year.

Brian Coolidge stated the lamppost in Green Park and a light on Mill Lane is out. Bill Moore reported an electrician was able to fix both of those items and should be working now.

Peter Werner asked if the Transfer Station was always run by the Town. Tracy Wyman reported it was run by the Town and outsourced to a contractor.

Stephen Jupiter asked if there is a reason the PFAS testing is happening. Mr. Hopkins advised it is a state-wide blanket effort and there is not a particular reason but it has been found that it has been prevalent.

Jim Emerson asked who is responsible for remediation. Seth Hopkins advised the Town will work with the State, but it is the responsibility of the Town.

4. Rec Director's Report

Bill Moore provided the following report:

"Baseball has begun. 149 players on 12 teams. Archery is nearly full, Sunday Soccer Skills, too!

Colleen has been busy! Confirmation of a Cruise-in night in lot A (parking lot next to Central Park). This is a partnership with Ripton Mountain Distillery. On Thursday evenings, cool classics and antique car owners are encouraged to show off their vehicles. Starting in May.

Swimming Lessons with Jake Jacobs - Registration for the Brandon Lessons is open. We have also partnered with the Town of Salisbury to provide administrative support for their lessons as well.

Safety Day is May 13th. The Brandon Fire Department plays host to the annual event and has added some food to the full slate of late morning and early afternoon activities.

The Inaugural Brandon Extravaganza is shaping up to be an eventful community partnership day. Hosted at Estabrook, this is going to be a ton of fun. Keep an eye out for the advertising of this June 3rd event.

There will be some July B-rec summer camps held at Branbury Beach. Into the Wild, Into The Woods and Under the Circus are the weekly themes.

All programming can be found at the brandonrec.com website or at the official Facebook Group, Fans of Brandon Recreation

Met with Disc Golf Committee Chair, Martin Fjeld, and his band of enthusiastic volunteers on April 29th. They will be starting weekly work nights (Thursdays) to prepare the town owned parcel behind the American Legion for disc golf."

Cecil Reniche-Smith asked what the Community Extravaganza was about. Mr. Moore advised it will be a community gathering. The Fire Department has been doing outreach and various organizations will be participating on June 3rd with food, music, and fun.

5. Public Comment and Participation

Cecil Reniche-Smith reported the Planning Commission is working on the revision of the Town Plan that needs to be readopted next February. There will be community outreach scheduled for May 21st from 6PM to 8PM in the Town Hall for people to provide input on their vision of what should be in the Town Plan regarding goals, vision, and action items. The Town Plan is available on the Town's website under the Planning Commission. Pizza and Foley Brothers beverages will be available at the event.

Doug Bailey thanked Jim Leary for his Green up Day efforts on Saturday and noted Mr. Leary has been coordinating this effort for a number of years and it is appreciated.

Jan Coolidge was concerned with a statement made at the last meeting that Dave Atherton only worked four days per week and noted that he did not take every Friday off. The Select Board had entered into an agreement that he would only need to work on the Fridays when a Select Board packet was done, due to the other committees and boards he participated on.

6. Consider Town Hall Flooring

Tim Guiles recommended the Board approve the use of \$18,000 of ARPA funds for the Town's portion of the floor repair. Bill Moore stated the project is a tremendous opportunity as this is a 162-year-old building that now has the addition of a heating system that will allow year-round use. There are hundreds of people that use this space for many activities. There are protruding nails that cause a safety issue and a problem for people with mobility issues. The contractor does not recommend repairing the current floor and noted the stains could not be removed. There were quotes provided and the contractor provided a quote for 3- and 4-inch maple. This would be a 1/3 match with the Friends of the Town Hall providing 1/3 and another 1/3 of grant funding.

Motion by Tim Guiles/Cecil Reniche-Smith to authorize an amount not to exceed \$18,000 of ARPA funds for replacement of the town hall flooring.

Cecil Reniche-Smith stated something needs to be done with the floor and if a cheaper stop-gap measure is considered, it would only be a few more years before it needed replacing and the cost would be greater. Now that there is \$56,000 more ARPA funding available, it is good use of the funds.

Judy Bunde supported the motion as the Board can show its appreciation for the work the Friends have done in maintaining the building. The Friends have 2/3^{rds} of the funding and the Town should come in with the other 1/3rd.

Doug Bailey supported the project for a hardwood floor. Mr. Bailey noted that he watched the rebuilding and saw it used as a rec hall and questions doing things like frisbee throwing and suggested considering what is being done for activities in the building. Bill Moore stated he would not encourage activities that would cause damage and advised there was netting set up when there was frisbee throwing. The Rec Department is careful with the building.

Jan Coolidge was in favor of the new flooring, but she does not want the Select Board to forget about the roof, as it is still leaking and she would like to see a new roof in the long-term plan. She noted with the Middlebury Town Hall the roof was the first thing that they did. It is time to think about protecting all of the repairs. Ms. Coolidge stated the hangers that hold the slate need to be fixed and they have replaced quite a few of them.

Peter Werner asked if other materials were considered. Bill Moore reported Dennis Marden wanted to replace hard wood with hardwood. Jan Coolidge stated that depending on the grants and due to the historical nature of the building, other materials may not be used. Brent Buehler asked if it is a historical building and Ms. Coolidge confirmed that it is historical.

Tom Kilpeck suggested working with the Friends of the Town Hall to possibly use some of the ARPA funds to repair the roof. If the roof fails, it will not matter what upgrades were done in the building.

Cecil Reniche-Smith stated once all estimates were provided, the Friends did due diligence in getting local vendors and she appreciates all of the work done in getting this information together.

Helyn Anderson asked if there is any salvage value. Bill Moore will check with the contractor on this subject.

The motion passed unanimously.

7. Consider Vote to Admit the town of Proctor to the Otter Creek Watershed Insect Control District

Seth Hopkins stated the Otter Creek Watershed Insect Control District is asking the Town to consider admitting the Town of Proctor to the District and it was Mr. Hopkins' recommendation to consider a vote. They have been contracting with the District and now would like to now be part of the District.

Motion by Brian Coolidge/Cecil Reniche-Smith to approve admittance of the Town of Proctor to the Otter Creek Watershed Insect Control District. **The motion passed with one abstention – Heather Fjeld Nelson.**

Sharon Stearns noted she is a newly appointed member of District and was present if there were any questions.

8. Consider Formation of a Brandon Emergency Preparedness Committee

Seth Hopkins stated as Emergency Management Director, he and Tim Guiles have attended training and have received input from community members. Mr. Hopkins requested authorization from the Select Board to form a Public Committee to contribute to the town preparedness planning.

Cecil Reniche-Smith asked if the Committee would be for preparedness planning only. Mr. Hopkins stated there has been a suggestion to divide the town into small zones with a roster of people volunteering to knock on doors to check on people. There is also a desire to identify the vulnerable populations. Mr. Hopkins reported they met with the Director from the Town of Goshen who has concerns about their ability to stand alone. There is consideration of a partnering approach with Goshen.

Motion by Cecil Reniche-Smith/ Heather Fjeld Nelson to authorize the Town Manager to form an Emergency Prepared Committee and solicit volunteers for the Committee.

Heather Fjeld Nelson likes considering the vulnerable population as it could make the difference with someone getting out or not in an emergency.

Seth Hopkins had anticipated this would be an informal invitation to meet at a specific date and time as a gathering of people who are interested in helping and would be advertised in the normal locations; FPF, Town website and the Reporter.

Jan Coolidge asked who will be responsible for keeping the information up to date. Mr. Hopkins noted those details will be discussed with the Committee and reported as part of the Emergency Management Plan. The Town was the first one in the county to submit the Plan online and specific vulnerable populations are already listed, but it is suggested to identify individuals in the event of an evacuation.

The motion passed unanimously.

. Energy Committee Report

Jim Emerson noted at a previous meeting, he had provided a proposal for the Town to allocate funds for a solar project to provide energy for the municipality. There had been concerns about decommissioning costs and he provided an update on the costs. There was concern with contaminated materials in the solar panels and Mr. Emerson noted there is no more contamination than in cars. Solar panels are expected to last 40 to 50 years and it is thought that the panels will continue to be used once the expected life is over. They do not make provisions for decommissioning due to the long life and 90% of the materials are now recyclable and sold, like metal racks. Some decommissioned materials are being sold for a profit margin. The BEC has contacted contractors to do a walk-through on selected sites and will come up with cost estimates. The Town does not have many sites that are suitable. The Water District has one suitable location off Newton Road that could service a 150kw system. The Fire Department could build a system themselves. From Mr. Emerson's research, if the Town and Water

District combined for a 250kw system, there would be a savings of \$40,000 to \$50,000 in permitting costs and the larger systems are more cost effective to build. Mr. Emerson noted something in the works is a federal rebate available to non-profits that would bring the next cost down. With the system saving \$25,000 to \$26,000 per year, all funds expended would be recouped in 7 years between the tax rebate and savings. Mr. Emerson met with the Water District and has proposed a joint project and he will be on their agenda for their next meeting to provide them with a presentation on the sites. There will be a study of the electric bills to determine the needs for the type of project that is required. Cecil Reniche-Smith asked if there is a project completion date required for the federal rebate and Mr. Emerson noted that it would be several years. Mr. Emerson intends to go to the schools to see if they have a need for this type of system. Mr. Emerson will have a more comprehensive proposal soon and the BEC would like the Select Board to consider setting aside ARPA funding.

9. Consider Appointments

a) Energy Committee (Indefinite Term)

Motion by Tim Guiles/Cecil Reniche-Smith to appoint Claire Babyak-Schick to the Brandon Energy Committee for an indefinite term. **The motion passed unanimously.**

b) Planning Commission (for remainder of a term ending June 30, 2023)

Cecil Reniche-Smith reported Bill Mills submitted his resignation from the Planning Commission that has created an opening. Mr. Hopkins has advised there could be a larger number of members on the Commission but it had been reduced in the past due to quorum issues. Ms. Reniche-Smith suggested expanding the Commission to six seats and add Sara Stevens and Neil Silins as members, noting the Commission is a non-adjudicative board but is currently working on the new Town Plan and BLUO that will have to come before the Select Board. The concern with an even numbered board is not as much of a concern. Mr. Hopkins suggested the Board could be increased to seven members and advertise for another person. Tim Guiles suggested the Commission maintain five members with other interested people to attend the meeting to engage and provide opinions. It was noted Sue Gage is an Alternate for the Commission in the event there is not a quorum.

Motion by Cecil Reniche-Smith/Brian Coolidge to change the Planning Commission to a 7-member board and appoint Neil Silins and Sara Stevens to the Brandon Planning Commission.

Ms. Reniche-Smith noted she is seeing more people interested in being active on committees and would like to allow both interested parties to be on the Commission. Sharon Stearns suggested staying with five members as it is an odd number and is a good number of members.

Seth Hopkins advised the Town has a policy for filling vacancies that includes posting the vacancy and requesting letters of interest be received by the Friday before the Select Board meeting when the determination is to be made.

Cecil Reniche-Smith/Brian Coolidge withdrew the first motion.

Cecil Reniche-Smith stated Neil Silins has attended Planning Commission meetings and would like to move to appoint him.

Motion by Cecil Reniche-Smith/Brian Coolidge to appoint Neil Silins to the Planning Commission for the remainder of a term ending June 30, 2023.

Ms. Reniche-Smith stated she was happy to table the motion to the next meeting to allow posting the position. Heather Fjeld Nelson would prefer to do interviews of interested candidates if the Commission was staying with five members but was not opposed to increasing the Commission to seven members.

The motion was tabled to the next meeting.

The Select Board will meet at 6:30PM prior to the next regular Select Board meeting to hold interviews for the position.

10. Name Town Manager as Authorizing Official on RAMP Phase II Grant

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Seth Hopkins advised this is the Regional Asset Mapping Program that the Board needs to designate the Town Manager as the authorizing official and designate a Board member as an alternate.

Motion by Cecil Reniche-Smith/Brian Coolidge to authorize Town Manager Seth Hopkins as the authorizing official for the RAMP Phase II grant with Tracy Wyman as the alternate official. **The motion passed unanimously.**

11. Consider Designation of One Board Member to Sign Payroll Warrants

Seth Hopkins provided the Board the excerpt from 24V.S.A. 1623 regarding the signing of orders. It was noted the Board could authorize one member to examine the payroll warrants or the Board could, in a public meeting. The Select Board could receive a list of employees from the Town Manager with the salary amount or hourly wage for hours worked and the Select Board would authorize in advance, until there is a change in wage, a hire or dismissal, or other actions the list may be revised. Tim Guiles stated he wants there to be appropriate oversight and noted he went to training and is in favor of doing what Mr. Hopkins has suggested. If a change is made, it will have to come before the Select Board.

Motion by Tim Guiles/Cecil Reniche-Smith to authorize the Town Manager to create a document for the Select Board to sign authorizing payroll to be paid in a timely fashion. **The motion passed unanimously.**

Seth Hopkins advised Jackie Savela and he discussed the processes and the payroll for this week has been completed and sent to the outside bookkeeper to be reconciled. This is going to be a good system with the blanket authorization.

12. Fiscal

a) Warrant – May 8, 2023 - \$377,188.62

Motion by Brian Coolidge/Cecil Reniche-Smith to approve the warrant of May 8, 2023 in the amount of \$377,188.62. **The motion passed unanimously.**

Seth Hopkins reported a large portion of the warrant was construction work at the wastewater plant.

The Select Board recessed at 8:39PM.

The Select Board reconvened at 8:42PM.

Motion by Cecil Reniche-Smith/Brian Coolidge to enter into executive session at 8:43PM for the appointment or employment or evaluation of a public officer or employee per 1 V.S.A.(313)(3)(a)(3) to include Town Manager Seth Hopkins and Deputy Town Manager Bill Moore. **The motion passed unanimously.**

13. Executive Session

The Board came out of Executive session at 9:11PM.

There were no actions required.

15. Adjournment

Motion by Brian Coolidge/Cecil Reniche-Smith to adjourn the Select Board meeting at 9:11PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant

Recording Secretary

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