

**Brandon Select Board Meeting
May 22, 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, Cecil Reniche-Smith, Heather Nelson

Others In Attendance: Seth Hopkins, Bill Moore, Stephen Jupiter, Jack Schneider, Doug Bailey, Bernie Carr, Wayne Rausenberger, Jan Coolidge, Brent Buehler, Steve Cijka, David Roberts, Dorthea Langevin, Gail Cordner, Sue Gage, Tom Kilpeck, Leif Nelson

Others by Zoom: Bruce Jenson, Annie Stratton, Neil Silins, Marielle Blais

1. Call to order

The meeting was called to order by Cecil Reniche-Smith – Board Vice-Chair at 7:10PM.

a) Agenda Adoption – Motion by Tim Guiles/Heather Nelson to adopt the agenda. **The motion passed unanimously.**

2. Approval of Minutes

a) Special Select Board Minutes – May 8, 2023

Motion by Brian Coolidge/Tim Guiles to approve the minutes of the May 8th Special Select Board meeting. **The motion passed unanimously with one abstention – Heather Nelson.**

b) Select Board Minutes – May 8, 2023

Motion by Brian Coolidge/Tim Guiles to approve the minutes of the May 8th Select Board meeting. **The motion passed unanimously.**

3. Town Manager’s Report

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

“This report consists of items not otherwise part of the 22 May meeting agenda.

FOCUS AREAS DURING REPORTING PERIOD

A steering group to enhance community preparedness for emergencies met and has begun liaison work with RRPC planners and the Vermont Department of Emergency Management to conduct a community-invited preparedness session in the coming weeks. Best practices for individual and family resilience, addressing community concerns and questions, and ascertaining interest among members of the community for more extensive participation in preparedness are the likely topics of this event. More info will be forthcoming.

KAS Engineering has been engaged to add PFAS testing to the regular landfill monitoring, per information presented to the selectboard 8 May.

The Town treasurer has been informed that the Town does require a “single audit” due to its use of more than \$750,000 of federal funds in the fiscal year. The pre-audit work will be done during the month of June. A “single audit” is a rigorous, organization-wide examination of finance and compliance to assure effective management, controls, and use of funds.

The Town Treasurer submitted a request to the Trustees of Public Funds for funding toward mosquito abatement. Bill Moore, Wayne Rausenberger and I met with the Trustees and will be providing them supporting information which they have requested before consideration. I have reached out to the Otter Creek Watershed Insect Control District for some of this.

Requests for quotes were sent out for FY2024 heating oil, diesel fuel, and propane. I would expect to have quotes in hand for the board's consideration on 12 June.

At the request of Jeff Cohen from Fire District No. 2, to facilitate the paperwork part of the merger between Fire District No. 1 and No. 2, I have done some research and with assistance of several of the Town staff and Brian Sanderson at VTrans (regarding the A-76 standard for Class 3 roads) determined that a few items flagged in a 2016 review of the Brandon traffic ordinance remain unresolved or at least their resolution is unclear: relevant to this discussion, the Town's acceptance of Chipmunk Lane and a portion of Spring Pond Drive in the Forrest Brook neighborhood. It appears that Chipmunk Lane may have already been ready for Town acceptance, since perhaps as long ago as a 1984 deed conveyance. Spring Pond Drive does not readily appear to have had a deed conveyed. The lead developer, Mr. William E Brooks, passed away 5 May 2022. Further research will be conducted and the probable next step will be requesting Town acceptance of these roads once all requirements to prudently do so are met.

The motor for the Town clock has arrived and it is hoped installation can be done by our in-house clock expert, Mr. Dan Snow.

RESIDENTS' CONCERNS

I requested a meeting with Mr. Benjamin Wimett who is an advocate for accessibility and access (serves on the staff of the UVM Center on Disability and Community Inclusion). We met in-person on the lower level of the town hall and he has advised me as to the appropriate modification to the sidewalk-level door at the town office. I requested a quote from Royal in Rutland who made a site visit here this week. Ben was pleased to hear about the crosswalk enhancements (flashing signage) Bill Moore had ordered and will be installed for the bank corner crosswalk. He suggested a few other areas where we might make improvements but stated that "Segment Six fixed a lot more than it broke." He appreciated the outreach from the Town and is happy to assist us as we make progress in accessibility for all our residents and visitors going forward.

Citizens called or stopped by the town office with several concerns which were promptly addressed by our very able highway foreman and crew. These included blocked culverts in three locations, two sidewalks which were promptly repaired with hot mix by the town crew, and in-village town trees in both Brandon and Forrest Brook. Upon receipt of reports from other residents, the zoning officer has sent advice of non-compliance to owners of two properties of concern in order to encourage compliance with community standards as set forth in the Brandon Land Use Ordinance. Our Town staff, whether in the office, on patrol as law enforcement, keeping our wastewater operation working safely, or out in the field doing zoning, highway, and buildings-and-grounds work, continue to demonstrate dedication to the community we serve.

STAFFING

The highway crew is again operating on their summer schedule of four ten-hour days, Monday through Thursday from 6 to 4. This decreases "mobilization" time lost by starting and stopping each job and is the preference of the staff. It has been past practice. They have been doing ditching along the Arnold District Road in preparation for the resurfacing to come.

One of the highway crew is expected to be out for three months beginning 5 June. The highway foreman advises he and the balance of the crew will work to sustain the workload required and may call upon the secondary wastewater operator from time to time.

FOR AWARENESS OF SELECTBOARD

Two significantly expensive riverbank stabilization projects will be required to protect the wastewater infrastructure and prevent any adverse environmental impact from a broken pipe at these sites. One is at a river crossing behind the north side of Park Street and the other is in a difficult-to-access spot in the Pearl Street - Maple St - Russell Ln vicinity. We will be seeking funding sources.

The highway foreman advises a new wood chipper is needed as soon as possible and has requested development of a capital equipment and road plan. I strongly support this approach.

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REQUEST

The employment agreement between the town manager and the selectboard calls for an annual goal-setting meeting. I would request that the board consider a workshop-style session such as we use to craft the town budget. It is important to me that my time be spent to best effect the priorities of the selectboard while recognizing that being responsive to community concerns and ensuring general efficiency of Town operations are also standard expectations and key to performing the job well."

Other Updates:

Mr. Hopkins recently attended a meeting regarding the wastewater project that will be shut down soon. The EPA will be doing a site audit in late June that is not a matter of concern but will be looking for the practices being followed and to ensure maximum environmental items are done. Mr. Hopkins noted the wastewater treatment facility will be completed March 2024.

The paving bid for the Arnold District went out today and delinquent tax letters went out on Friday. The total delinquent balances are \$532,729 in taxes and \$198,100 for sewer totaling \$730,829. Because the billing is being combined with the Fire District, their delinquencies are \$147,271 that brings the total to \$878,100 for the Fire District and the Town.

Mr. Hopkins received information from the Insect Control district. The Town's application is considered complete and the Trustee of Public Funds will consider this after July 1st.

Tim Guiles stated setting up a goal-setting meeting as a workshop is a good idea and suggested having the Town Manager schedule this meeting when all are available. Mr. Hopkins suggested initially scheduling one meeting to allow for a free exchange of ideas and perhaps having an additional meeting 6 months later.

Brian Coolidge stated there were two significant expansion projects for water and sewer and asked if anyone had been notified. Seth Hopkins stated this information came from Tim Kingston and these are river crossings or banks with sewer collection lines. On the north side of Park Street, the project could cost \$160,000 to ensure the line is encased. The ends are becoming exposed from the casings and the bank is eroding around the pipe. There is another double river crossing on the east side of Pearl Street/north side of Maple Street that would cost more in the \$200,000 range to fix. The wastewater operators are aware that collection is an exposure and continue to inspect the areas. Cecil Reniche-Smith asked if this is for shoring up the riverbanks and Steve Cijka confirmed that would be the case. Ms. Reniche-Smith asked if this is something that needs to be done soon and Mr. Cijka advised it is likely in the next several years. There are 12 river crossings that were installed in 1960 and there had been a prior break. Mr. Cijka stated these need to be looked at as the river has been changing and will tend to erode things more than ever. Ms. Reniche-Smith stated this is something to plan during budget time but does not need to be done immediately.

Tim Guiles stated the Town Manager was going to get quotes for diesel, heating oil and propane. Mr. Guiles has talked with Jack Schneider of the BEC regarding biodiesel and Mr. Guiles would like this to be in the mix. He understands it is appropriate in some seasons but noted Middlebury has had success with it.

Jan Coolidge asked why the wastewater projects were not discussed during the Sewer meeting. Seth Hopkins stated the Select Board designates itself as the Sewer Commissioners and could discuss these during this meeting. Mr. Hopkins noted some towns have one meeting for all committees. Ms. Coolidge asked how many households are in the delinquent taxes. Sue Gage stated it is around 3% or 150 households.

Brent Buehler asked if the Town had to wait until covid was over before collecting delinquent taxes. Sue Gage advised the Board had waived penalties and interest during the declared state of emergency and this will be the first tax-sale post-pandemic. The penalties and interest have been applied since the declared emergency ended. A tax sale is usually done once per year.

4. Rec Director's Report

Bill Moore provided the following report:

“. Electrical contractor completed work at Estabrook Park for safety lighting. Motion sensor upgrades to lights in restrooms, added motion sensor lights under the covered walkway, added 4 motion sensor lights to all 4 corners of building, upgraded lot lights to LEDs and fixed timer so the park and ride area has lighting from 6:00 - 10:00 PM and 4:30 - 6:00 AM. All of this has been done to make users feel more comfortable/safe and to dissuade potential vandals.

. Adding 2 new summer camp offerings: Dance Camp Intensives with Miss Michaela and a FREE First Lego League robotics camp for 9-12 year olds. Registrations will open soon at brandonrec.com.

. Thanks to work from our football commissioner Duke Whitney, the Brandon Rec baseball field at The Neshobe School will soon have a snack shack. Thanks to donations from Silver Maple Construction, Naylor & Breen and Patch Electric. The hope is to have the shack open in time for our June 4th baseball/softball picture day.

. Miss Michaela Dance 2022-2023 program ended with a final show at OV on May 20th. Thank you to the volunteer parents, Jeff Hull, the Friends of Otter Valley Music as well as Otter Valley Union High School for helping to make this our most successful year yet! Dance classes will resume again in the fall.

. May 25th the 2nd Cruise-In with Ripton Mountain Distillery in Lot A will be happening! Thanks to assistant to the Rec Director, Colleen Wright, word has spread and more cool cars will be there showing off from 6-8!

. It is not too early to thank our baseball sponsors as the season is in full swing! McCullough Bros Hawks (3 Teams!) American Legion Post 51, Brandon Area Masons - (St Paul's Lodge and Union Lodge), The Carter Insurance Agency, Graph-X, Mae's Place, Mountainside Flooring, Pockette Pest Control and Townline Equipment

. The Inaugural Brandon Extravaganza is scheduled for June 3rd. Food, Music, Games and Fun to help build community.”

5. Public Comment and Participation

Wayne Rausenberger stated when Bill Moore was interim Town Manager, Mr. Rausenberger had asked if Union Street would be repaved from Ella Dean Drive to High Pond Road and his response was there is no money in the budget and grants will be explored. There is a section between Twin Oaks and Ella Dean Drive that is in very bad shape and the Town has been doing cold patching that does not last. Mr. Rausenberger expressed concerns for safety in having to avoid the section and he hopes the Town can do something and suggested having Public Works dig up the pavement and put dirt down and leave it until the road can be paved with a sign, Rough Road Ahead. Mr. Rausenberger also indicated the front windows in the town office need to be replaced and the Town received \$500,000 to renovate the town office. The renovation did not cost the taxpayers any money and he was told two years ago that the Town was researching estimates for the windows. With regard to the Town Hall, he understands the floor needs replacing but the Board needs to consider replacing the roof. The majority of the roof is over 160 years old and before doing the floor the Town should replace the roof. Seth Hopkins stated there will be a discussion regarding paving and in the interim Mr. Erickson has hot mix to do patching and perhaps that would be a better fix. Mr. Hopkins has concerns with regard to historic restrictions with the other repairs and the Town will need to assure that there is not a compliance problem and that all restrictions are being honored. With regard to the town hall roof, Mr. Hopkins contacted Spardella who did the maintenance on the slate roof in 2015. They had provided a proposal and at that time noted the roof was at the end of life and should be replaced. Mr. Hopkins has asked them to provide a new proposal and they will do a site visit to determine what shape the chimneys are in. In 2015, the proposal was \$160,000 to replace the roof with slate. Mr. Rausenberger noted if the roof is lost, all the work done in the building is for not.

Bill Moore reported there will be energy audits done in the town hall and town offices that may provide an income stream from federal grants. The State is preparing to open up the grant application. Seth Hopkins stated the challenge

for this grant opportunity for energy work is to submit accurate plans with wiring and structural components that could be difficult to provide.

Jan Coolidge asked when the slate will be put back on the Town Hall roof that had fallen off during the winter. Seth Hopkins advised he will look into this. Ms. Coolidge also suggested having someone check whether there is mold in the ceiling due to leaks. Brent Buehler asked if it would be possible to use synthetic material for the roof. Mr. Hopkins stated Spardella would like to quote a standing seam and it would be up to the Select Board to determine if they want to consider it. Tim Guiles would like to see all options for the Select Board to consider if they are applicable to a historic building.

Doug Bailey stated there had been a discussion about the waterfalls in back of Blue Moon as there is some stone missing. It was going to be looked at and reported back to the Select Board, as it seems this should be shored up. Seth Hopkins stated the dam is owned by the Town and he can reach out to River Corridors to determine what they would allow. Bernie Carr thought once the dam was taken down, it had to be left off and may be part of the issue as it would not be the same waterfall. Doug Bailey suggested confirming this information.

Brent Buehler asked if there has been a restructuring of the town departments and job descriptions. Seth Hopkin advised the goal is to settle that as of July 1st.

Bernie Carr expressed safety concerns with snow falling from the town hall roof if it were replaced with a standing seam roof.

6. Consider Capital Asset Policy

Sue Gage advised she has updated the numbers on the Town's Capital Asset policy that is in place. The Town does not capitalize anything under \$5,000. This was updated as Bill Moore needs a policy for grants. The VLCT does not have a Capital Asset policy model and she left everything the same except the valuations. Tim Guiles suggested, if adopted, to continue to bring it up to the present as there are likely no computers that now cost more than \$5,000 and also suggested seeing if there is a model policy. Sue Gage advised she will create a new policy for the Board's consideration. Cecil Reniche-Smith confirmed with Ms. Gage this is not a time sensitive issue.

7. Consider Blanket Payroll Authorization for Current Fiscal Year

Cecil Reniche-Smith stated at the last meeting the Board asked the Town Manager to put something together for the Board's consideration. Seth Hopkins stated he received assistance from Jackie Savela, Sue Gage, and Bill Moore. There are four staff on an annual salary, most staff are hourly and there are some occasional staff. All hourly rates and salaries would be subject to the personnel policy and the two contracts. Approval of this document would provide the Treasurer with the authorization to do payroll and would bring the Town into compliance with statute.

Motion by Tim Guiles/Heather Nelson to approve the blanket payroll authorization document for the current fiscal year. **The motion passed unanimously.**

8. Consider Sale of 500-Gallon Fuel Tank and Related Equipment

Seth Hopkins stated this came to his attention and is located at the wastewater plant and the Town no longer purchases gasoline in bulk purchases as it was not cost efficient. There is still diesel fuel located at the Highway department. There is value in this and advised the two wastewater operators have indicated it is not necessary. Mr. Hopkins suggested divesting it through a sealed bid.

Motion by Tim Guiles/Heather Nelson to authorize the Town Manager to sell the 500-gallon fuel tank and related equipment. **The motion passed unanimously.**

Seth Hopkins asked if the Board would want the sealed bids to come to the Select Board or to be opened at the Town Office and brought to a Board meeting. Cecil Reniche-Smith suggested authorizing the Town Manager to invite bids and present the

bids to the Select Board. Heather Nelson felt comfortable with the Town Manager handling this and Ms. Reniche-Smith agreed it could be handled administratively. Tim Guiles stated the goal of the policy was to be as fair as possible to assure that people are paying the right amount and the Town is getting as much for the asset as possible. Mr. Guiles suggested, similar to Ebay that someone would put a bid in and over a period of time, the Town would achieve the best value. There was a perception that not having a sealed bid is cumbersome and a sealed bid is the best possibility of getting a good deal, but Mr. Guiles wants to assure the Town is getting the most value and to assure there is transparency. Heather Nelson stated as there is potential for towns switching to electric, it would be good to see it sold before no one wants it, and it is not a large value. Mr. Guiles suggested an eBay type environment with the bids available for public view. A page could be made on the Town's website that would be updated as the bids come in. It was suggested a minimum starting bid could be noted, and there could also be a buy-it-now cost. Tom Kilpeck asked if this falls within the policy. Mr. Hopkins stated previously if someone proactively came to the Town with an offer on a Town asset that was no longer of use the sale price was known. Mr. Kilpeck suggested the Town could use Municibid, a municipal eBay to sell assets. Mr. Guiles suggested determining if this program has a fee or can act locally. Ms. Gage noted that Jackie Savela and she go through the Town's assets during the audit. Mr. Guiles suggested listing this item locally and researching Municibid for the future. The Board was in consensus. Mr. Hopkins suggested it could be advertised in The Reporter, VLCT and on FPF.

Motion by Tim Guiles/Heather Nelson to authorize the Town Manager to do advertising of this asset, sell as an open bid, and create a page on the Town's website. **The motion passed unanimously.**

Bernie Carr agreed that more policies allow for more clarity. Cecil Reniche-Smith stated it is more of an issue of policy when someone comes to the Town, and the other scenario is for the Town to sell assets. Tim Guiles advised both scenarios fall under the same policy with some fine-tuning.

9. Current Projects Matrix

Seth Hopkins reported Bill Moore, Sue Gage, Jackie Savela, and he met to develop a projects matrix that includes the Public Works projects and the outside funding sources. Mr. Hopkins asked the Board to consider the funding sources for the projects. There is a fund balance in the General Fund but discouraged using it. Other funding includes the 1% Local Option Tax fund and the ARPA grant. Mr. Hopkins noted the matrix is for the Select Board's information. Tim Guiles thanked Mr. Hopkins and noted he did not have specific questions but would like to make a motion on the Library request for ARPA funding.

. Library Funding

Cecil Reniche-Smith recused herself from this discussion as she is on the Board of Trustees for the Brandon Library.

Motion by Tim Guiles to formally commit \$100,000 of ARPA funding and provide the Brandon Library a letter of commitment to proceed with their funding needs.

Brian Coolidge was not prepared to take action until the Board Chair was present. Mr. Guiles stated this has been discussed in the past and there is a timeliness need for this. Heather Nelson noted she would prefer to also wait until all members were present.

The motion failed without a second.

10. Requests for Local Option Tax Funds

- a. *\$157,023 for Town Farm Road Rebuild 2022 (Draws \$0 grant)*
- b. *\$50,000 for McConnell Road Culvert (draws \$210,000 structures grant)*
- c. *\$25,000 for North Street Bridge Scoping (draws \$75,000 BRIC grant)*
- d. *\$10,000 for Forest Dale Connector Path Scoping (draws \$40,000 TA grant)*

Brian Coolidge requested to table all of the local option tax fund requests until Tracy Wyman was present. Cecil Reniche-Smith thought the best use of the Board's time would be to wait until the next meeting to have a complete and open

discussion. Tim Guiles stated that is admirable, but statutorily the present members exist as a board and to stop the work while waiting for a 5th is not good process. Ms. Reniche-Smith disagreed that it is not wanting for everyone to be involved, but as a matter of responsibility to the Town, as they are entitled to have all board members present for expenditures of Town monies. Ms. Reniche-Smith noted these are significant amounts of money and suggested a full board needs to be present. Heather Nelson noted she would feel more comfortable with larger amounts that all board members are present, as these items are not time sensitive. Ms. Reniche-Smith stated with significant amounts of money, having a full board would be optimum practice.

Motion by Brian Coolidge/Heather Nelson to table this item to the next Select Board meeting. **The motion passed – 3 to 1- Tim Guiles.**

11. Consider Purchase of Woodchipper for Highway Department

Seth Hopkins submitted information from Shawn Erickson and noted Mr. Erickson and he had a conversation with Tracy Wyman. Mr. Erickson is prepared to wait and recommends it be considered at a future Select Board meeting.

Motion by Brian Coolidge/Heather Nelson to table this item to the next Select Board meeting. **The motion passed - 3 to 1- Tim Guiles.**

12. Fiscal

a) Warrant – May 22, 2023 - \$1,668,156.68

Motion by Brian Coolidge/Heather Nelson to approve the warrant of May 22, 2023 in the amount of \$1,668,156.68. **The motion passed unanimously.**

Brent Buehler thanked Seth Hopkins for providing the local option update. Mr. Buehler questioned the warrant for the Country Village Campground and Mr. Moore advised this relates to the Brandon Carnival that takes place at the end of July and is the payment for the place where the carnival people stay.

Tim Guiles noted the Board is willing to spend over \$1 million without Mr. Wyman. Cecil Reniche-Smith stated Fiscal is an ongoing Select Board agenda item that comes up at all meetings and everyone has had a chance to review them. The others discussed earlier are one-time asks apart from the warrant and she does feel comfortable with approving the one-time asks but does not want to table the warrant.

15. Adjournment

Motion by Brian Coolidge/Heather Nelson to adjourn the Select Board meeting at 8:24PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary