

**Brandon Select Board Meeting  
September 11, 2023**

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

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

**Others In Attendance:** Seth Hopkins, Ralph Ethier, Mike Frankiewicz, Lollie Hoxie, Chris Brickell, David Kachajian, Bernie Carr, Susan Benedict, Debbie Boyce, Paula Ashley, Janet Coolidge, Claire Astone, Steve Bisette, Chris Conlin, Steven Jupiter, Tom Kilpeck, Jim Emerson, Vicky Disorda

**Others in Attendance via Zoom:** Neil Silins, Adam Murach, Bruce Jenson, Jack Schneider, Keith Whitcomb

**1. Call to order**

The meeting was called to order by Tracy Wyman - Board Chair at 7:02PM.

**a) Agenda Adoption – Motion** by Brian Coolidge/Heather Nelton to adopt the agenda. **The motion passed unanimously.**

Add Executive Session in accordance with 1 V.S.A(313)(a)(1) regarding a zoning ordinance complaint issue.

Add 14c – Fiscal – Blanket Payroll Authorization

**2. Approval of Minutes**

**a) Select Board Meeting Minutes – August 28, 2023**

**Motion** by Cecil Reniche-Smith/Brian Coolidge to approve the minutes of the August 28, 2023 Select Board meeting. **The motion passed with one no vote – Tim Guiles.**

Tim Guiles continues to find the minutes to be problematic in the depth and suggested the only part he focused on was the Green Fleet presentation. There was an error in the first paragraph noting 25% reduction by 2025 that should be 26% and 40% reduction by 2030. Mr. Guiles went back to the zoom meeting to assure what he said was accurate. If minutes are passed, the Board agrees that the minutes are what happened in the meeting and the only way is to go back and watch the meeting and he finds this onerous and a mistake to have these minutes and requested to go back to simplified minutes. Cecil Reniche-Smith stated there had been a discussion about whether someone had to be at the meeting to approve minutes and her understanding was they had to be there but has determined one does not have to be there. If the minutes are something that normally occurred, they can be approved. Mr. Guiles stated if he had not gone back to zoom, he would not have known what would have happened was correct. When voting to accept minutes, it is actually what took place. Ms. Reniche-Smith stated that because they are draft minutes, they can be corrected and when it is a number from a report, it is an easy fix. Mr. Guiles stated if the Board has minutes like this, he will vote against them as the minutes need to be a summary of motions and move away from a transcript. Heather Nelson stated that there had been a discussion of trying the abbreviated version and there had been several complaints about the shorter minutes and only one negative for the longer version. She does not feel comfortable approving if she was not present and it takes someone a while to go through the meeting on zoom. Mr. Guiles noted before the shortened minutes came out, there were complaints that were based on the idea.

**Motion** by Tim Guiles to move to an abbreviated set of minutes. **The motion did not carry.**

Claire Astone thought the minutes are critical and many people do not have technology that is stable and many people are accustomed to the written word.

**3. Town Manager's Report**

A Town Manager's report was provided by Seth Hopkins and is available for viewing in the Board packet on the Town's website.

Mr. Hopkins provided the following update from his submitted report:

Mr. Hopkins provided a revision to his Town Manager's report as it appears the Town's grant match for the Conant Square Park & Ride project has not yet been designated. There are some conflicting recollections among the Town staff as to what the initial plan was and what the Town's portion would be. This grant originated in March of 2020 and is expected to be able to be submitted to the State as complete at the end of this month. Currently the expenses are in Fund 56 and cash flow is not an immediate concern. Work will continue on a resolution to this item.

The Town has a new highway department foreman-in-training. The Select Board should be gratified that the Town had two well-qualified in-house candidates apply and complete interviews with the management team and two select board members. We are pleased to announce that Mr. Jeremy Disorda is now the highway foreman-in-training and will work closely the next several months under our very able foreman Shawn Erickson.

Bill Moore directed a crew from McCullough Tree Service in the field today. The following trees were removed: 3 trees at the NE corner of the Town Hall, a defective public shade tree at the corner of N. Seminary & E. Prospect, trees in the cul-de-sac of Fox Lane in Forrest Brook and a tree endangering the traveling public on North Birch Hill Road. A tree on Birch Hill Road was also trimmed. The trees were evaluated by the Town Management Team, Tree Warden, or Highway Foreman. Several were examined as the result of citizen concerns/complaints.

Bill Moore and I met at the town office and then led a Newton Road site visit with Harry Shoppmann III from Vermont Emergency Management. We then participated in a site visit at the Newton Road pump station where the pumps are being repaired again. We will be working with the manufacturer's representative to try to prolong the service of this equipment. They are in good order right now. Thanks to Tim Kingston for his work with the installers and manufacturer.

Mr. Hopkins met with Dr. Ben Lawton and the Insect Control District to invite people to commemorate the work of Art and Donna Doty for pioneering the Insect Water Control District. The public is invited to Crescent Park at 9AM on Saturday, September 30<sup>th</sup>.

Tim Guiles appreciated the financial snapshot and hoped to receive this on a regular basis.

Neil Silins asked which trees that were removed were shade trees. Mr. Hopkins advised the one on North Seminary Street was a shade tree. The three trees near the town hall were not public shade trees nor was the tree on North Birch Hill Road that was removed and one trimmed. The ones removed in the cul-de-sac were a result of a citizen's complaint that the highway foreman had check out.

#### **4. Rec Director's Report**

A Rec Directors report was provided by Bill Moore and is available for viewing in the Board packet on the Town's website.

Bill Moore provided an overview of his report:

Registration has opened for the 3<sup>rd</sup> iteration of the RNESU/Brandon Rec collaboration of OtterBots. On September 27<sup>th</sup>, Coaches Kevin Booth and Jonathan Fries will start working with 6<sup>th</sup> – 9<sup>th</sup> graders to build robots to compete in a state competition in January 2024. This is a weekly program to help develop creative problem-solving skills through STEAM.

Due to low numbers for both programs, for the first time there is a collaboration with the Pittsford Rec to have a combined 5/6 girls' soccer team. These "Rec Otters" will rotate between Estabrook Park, Pittsford Recreation Area and Otter Valley.

Estabrook Park will host HarvestFest on October 8<sup>th</sup> starting at 1PM. Nifty Thrifty will be sponsoring this annual fall fun day that includes leaf people, pony rides, wagon rides, Beyond the Barn Farm Petting Zoo, fun vendors, music, giveaways and more.

In Park news, thanks to an enthusiastic volunteer, the shelter at Estabrook is being painted. The tennis court has been closed due to some safety concerns and we are awaiting some estimates on resurfacing the asphalt. Thanks to the suggestion of Ralph Ethier, we are reversing the order of operations regarding the tennis court rebuild. Removing the poles, resurfacing the asphalt, and painting lines for tennis and pickleball will provide some tennis options while we get ready for a potential rebuild of the court closer to the road and would give us the first phase of a skate park completed.

A question was raised regarding grant compliance and whether we could resurface and/or repurpose the footprint that the current court occupies. According to a 2021 determination from the district wetland ecologist – “can repurpose the footprint of the court, provided that it is similar in nature, another tennis court, a large sandbox, skateboard park as an allowed use and no wet permit required. If they wish to repurpose the area for a large #D structure such as a building and it is within wetland/buffer, a permit would be required.” For any restrictions from the grants that were used to establish the court, it will be assured that the Town meets all requirements before making any decisions regarding Estabrook Park.

Cecil Reniche-Smith reported a letter was received from Mary Lou Webster regarding any improvements to the current tennis court needing a permit from the State. Bill Moore reported the State’s wetland group has provided specifics on what can be done around updating the tennis court.

## **5. Public Comment and Participation**

Brian Coolidge stated the Smalley Road sign is missing and the north end McConnell Road speed limit sign has been missing for a while. Mr. Coolidge did not think the bioswales should be a community effort and the Town staffing has been the same as it has been and the Town should be taking care of them as he does not think it is a good precedent to have the community take care of them. Certain plantings have to be in them and the Town needs to plant items that the State indicates should be in them. Seth Hopkins stated the community gardens were done because the Town’s performance was not good. Compliance with the planting plans can be done and the Town can provide the plants. The buildings and grounds crew is one man and he mows many fields and is regularly getting calls from businesses to eliminate weeds. Mr. Hopkins did not see a negative to volunteer labor that the townspeople enjoy doing. The Town can provide safety training to the community also. Mr. Coolidge stated buildings and grounds helps highway and vice versa. Tracy Wyman noted the Town has been down in staff in the highway department this summer. Mr. Hopkins stated this presented a challenge and the community took a difficulty and turned it into an opportunity with taking more ownership and he thinks that while Brandon is becoming a bigger town with more robust offerings and economic development, Brandon should keep small town efforts. People are willing to teach other people and is a good opportunity. Heather Nelson noted that in her time in Brandon, there had not been so many gardens and it is found to be a lot of work and adoptive gardens have been done in other parts of Town. She agrees if the Town plants it, they should take care of it, however, it seems that there is a learning curve on the number of gardens that we have. Cecil Reniche-Smith stated for most of the bioswales, the plants that are there are appropriate and are living, healthy plants. There is one bioswale on Pearl Street that will need replanting, but the plants are healthy and the Town can provide the plants that are required.

Tracy Wyman expressed concern with parking in front of the banks and would like to see something done about parking as the lots are full very early in the morning. He suggested a 2-hour parking limit from 6AM to 8PM and would prefer there to be no overnight parking in this area as the parking is not being used for the local businesses. Mr. Wyman stated when coming by during the weekends, there is not a parking spot available for Mae’s business and the banks are open from 9AM to Noon. If these are clients for the Brandon Inn, he suggested there should be parking available behind the Inn. There have been complaints from business owners about parking. Heather Nelson suggested asking the Brandon Inn what their parking options are and she wants to make sure that it is not people who had been parking in the municipal parking lot. Cecil Reniche-Smith stated there are a number of parking spots on Park Street and most of that street’s parking is only parallel, but there is a section near the library to diagonal park and suggested striping the spaces. Seth Hopkins stated there would be more slots for diagonal parking and there is a resident who is agreeable to diagonal parking, but he does not know if the visibility would be worse. If the Board wants the next section before the bike lane striped for parallel or diagonal parking the Town can

do that. The other side of the street is for parallel parking. Tim Guiles stated this is a good sign but is a bigger problem than a 2-hour limit and thought it would be good to have a working group to solve the parking issues. He was not sure that a 2-hour limit would achieve what Mr. Wyman wanted to accomplish. Mr. Wyman stated the majority of the cars he has seen are out-of-state cars, but the businesses are paying taxes are not getting a fair shake with parking and he would like to see something corrected before fall to take care of the businesses that are there. Bill Moore advised he spoke with the Brandon Inn about parking and Sid is talking to the people about parking and had noted there is plenty of parking out back and he is telling people to park out back. It had been suggested that materials could be bought in to increase the parking there. Mr. Wyman stated as far as the Town spending money to put in extra parking, he would be against doing this regarding personal parking as all businesses have to take care of their own parking lots. Mr. Wyman stated there is parking available in other places throughout town. Heather Nelson suggested asking the Chamber or the DBA for ideas, given they support the businesses. Bernie Carr stated this is something that has been talked about. With regard to diagonal parking on Park Street, it is not more dangerous than parallel parking and it could be all the way up the street, which would provide extra parking. He noted that people can park where parking is available. As far as helping out with parking, there have been a lot of studies done and it would work to advise parking behind Walgreens if the town paved it. If it is made safer and better lit, more people would park there. For a profitable prosperous downtown, parking is needed. The municipal parking lot behind Dunkin Donuts is new and when the Aubuchon block was developed, parking on the street would be allowed except with the winter parking ban. They then moved to the municipal parking lot that also created plowing issues. Mr. Carr noted there are many things that will not work but suggested possibly creating a group to determine some additional places to park.

Janet Coolidge questioned the union contract for the police regarding cars. Seth Hopkins reported he has reviewed the personnel policy, the Police Union and non-Police Union contracts and has not found language about cars going home.

Vicky Disorda advised the Methodist Church does not have parking and will be approaching the Town to request diagonal parking along Carver Street.

Janet Coolidge advised as a public service announcement that she had an issue with her fire alarms and was advised by the Fire Department that smoke alarms should be replaced every 10 years.

## **6. Award Bid for Newton Road Reconstruction**

Seth Hopkins reported there were five bids received and opened on Tuesday, September 5<sup>th</sup>. The low bidder was Bruce Meacham Property Maintenance. Mr. Hopkins has called the references and Shawn Erickson has spoken with Mr. Meacham. Cecil Reniche-Smith asked with the divergence between the low and high bids if he has done similar work. Mr. Hopkins reported he has done this type of work and has the equipment to do the job. Shawn Erickson was at the prebid meeting as well as someone from the State's field engineering and it was helpful for Mr. Erickson to participate. Mr. Erickson feels confident about the low bidder and it was noted the bids were all lump sum bids. Brian Coolidge was asked by one of the contractors why the Town is replacing six-year-old culverts. Mr. Hopkins advised Mr. Erickson identified the culverts to be replaced as some are crushed on an end, but some are going to be flushed by the sewer jetting machine.

**Motion** by Tim Guiles/Cecil Reniche-Smith to award the Newton Road Reconstruction project to Bruce Meacham Property Maintenance.

Mr. Meacham is located in Middlebury. Neil Silins questioned if this is a not-to-exceed contract and Mr. Hopkins confirmed the bid was a not-to-exceed figure. Cecil Reniche-Smith noted the figure would only increase if the work order were changed. Mr. Hopkins noted there were changes to the project at the pre-bid meeting and nothing will change after that.

**The motion passed with one no vote – Brian Coolidge.**

## **7. Review Public Car Charging Station at Conant Square Lot**

Seth Hopkins noted this item was requested by a Board member. The ChargePoint chargers are owned by the Town and the rate set by the Town is 17 cents per kWh plus 75 cents per hour plugged in (whether charging or not). The Town pays GMP 18.336 cents per kWh plus various fees equating to 23.02 cents. The net revenue to the Town is 15 cents. Jackie Savela had

advised the suggested rates were provided by ChargePoint. ChargePoint retains a fee and the chargers are covered by a five-year warranty. In FY 2023, there was a total revenue of \$948.96 and paid \$838.34 to GMP with a net revenue to the Town of \$111.62.

Cecil Reniche-Smith asked when the warranty expires if the maintenance of the equipment also expires. Tim Guiles advised as long as ChargePoint is running, the Town will continue to pay the fee. It was noted that Jackie Savela has reached out to ChargePoint and there are options. They have not provided all the options that would be available. One option would be to continue with ChargePoint, with the figure possibly increasing after the five-year period. Ms. Reniche-Smith asked if the Board wants to see this as a revenue generator or breaking even. Brian Coolidge stated this should bring in funds to pay for any repairs post-warranty.

Tim Guiles would like to see if there is going to be a cost and would like to see it projected out, possibly from ChargePoint. There is another way to look at the chargers as the Town pays money to promote itself and this charging station is a way to get people to stop in town. It is a small investment for encouraging people to stop. This is the only place in Town that we charge for parking. Seth Hopkins stated the Town is not charging for parking, but for being plugged in. ChargePoint recommended charging people for remaining in the area when not charging their car, as it hinders people from being able to charge. The public car charger rates are all over the map in the nearby areas and one can do whatever makes the most sense. Brian Coolidge thought the fee needs to be increased as it should be self-sustaining. Tracy Wyman agreed that it needs to be self-sustaining for repairs and replacement.

Bernie Carr stated Tesla does not charge for their chargers and they charge for the energy used but charge a lot for a longer stay as they want people to move out of the charging area. Mr. Carr would like to see those types of chargers as a higher rate would be incentive to not stay in the charging area after the charge. Bill Moore noted he will be interested to see this year's usage with a fully functional business in front of the lot. Cecil Reniche-Smith stated the program is a little over break even, but it depends on finding out what happens when the warranty expires as far as what the Town will need to spend on maintenance. There is more research needed before making an informed decision. Brian Coolidge would like to see more information as something needs to be done sooner rather than later with the warranty ending February 2026. Tim Guiles thought the expected life span of the equipment is far longer. Mr. Moore volunteered to look into the additional information. Heather Nelson agreed the information is needed, but it would be good to see how things pan out once the new business is open.

Claire Astone stated as a taxpayer, she does not want to be paying for other people to charge and it is the Town's responsibility to ensure that there are funds to do repairs and suggested increasing the pricing. The Town should take advantage of the use and build a pot of money for stability. Brian Coolidge stated we are trying to be in line and get ahead of the curve. Tracy Wyman suggested it would be good to have more information and the Board can then decide from there.

## **8. Respond to Police Union Initiation of Collect Bargaining Process**

Seth Hopkins reported the Select Board received a letter to initiate renegotiation of the contract and there is a proposed schedule. Tracy Wyman stated there needs to be a committee of Select Board members. Mr. Hopkins advised the entire Board could be a negotiation committee or there could be three members but would require the meetings to be warned. Tim Guiles, Tracy Wyman, and Brian Coolidge volunteered to be on a committee with the Town Manager. It was noted that weeknight evenings are preferred for the meetings.

**Motion** by Cecil Reniche-Smith/Heather Nelson to establish a negotiating team comprised of Brian Coolidge, Tim Guiles, Tracy Wyman, and Seth Hopkins for purpose of responding to the Police Union for the collective bargaining. **The motion passed unanimously.**

## **9. Holding Cell at Police Station**

Seth Hopkins reported this item is a request from the Police Chief who was present to answer questions. Chief Kachajian advised this is in response to events that happened at the police station as there is not a holding cell and when individuals are arrested, they are shackled to the wall. One individual took it upon himself and destroyed the holding area ripping out the

telecommunication and electrical conduit and another individual tried to do the same thing. Last night with the processing area out of order, an individual was placed in the interview room and attempted to destroy the heating ducts. Chief Kachajian suggested it would be beneficial to have a short-term holding cell for those individuals who are violent or dangerous, as these incidents are increasing. There is also concern if someone is shackled to the wall by an arm or leg and that person is unruly, there could be the risk of breaking a wrist or ankle and getting seriously injured and could be a liability for the Town. The cell would also be for the officers' safety as two officers were injured and each time a claim is filed with the VLCT, the insurance costs increase. It is his duty to reduce liability and assure the safety of the prisoners. In the first incident, the person threatened to grab an electrical conduit. Chief Kachajian has funds for a capital expenditure and would like a one-person holding cell that would only be temporary for people that are violent and risk causing injury to themselves or the officers and damaging municipal property. A photo of the item was provided to the public. Tracy Wyman stated this is within the town manager's purview. Seth Hopkins advised this is an expense that could have been authorized, but it is important for the Board to have awareness and the public to have input. Cecil Reniche-Smith is in favor of it but wanted it to be brought to the Board and the public. She was shocked that there was not a safer way to hold arrestees and understands there are constraints with the size of the station and is limiting for a holding cell, but not having one creates risks and liabilities. Heather Nelson asked how long it would be used for. Chief Kachajian advised it would be used for two hours or less as it is rare to have someone in custody for more than 2 hours. This would be used in a case-by-case situation as most people that are arrested are fairly polite but there are issues with people that cause serious problems. Someone could be taken out of the holding area if they become less violent. Claire Astone asked about people that are suicidal if there are ways for people to hang themselves. Chief Kachajian advised there would be an officer stationed where they would monitor the person. This would be a permanent purchase and noted that this cell is used in many courthouses as it comes with wheels, but it can be bolted to the floor. Tracy Wyman was in favor of it and suggested it is something the police department should have. Ms. Astone stated she wants to see the people and officers safe. Chris Brickell asked the cost of the cell. Chief Kachajian advised the cell is \$4495 and freight would be \$350 with a total cost of \$4845 and comes built complete. Mr. Brickell stated for historical data, he used to be the police chief here and the old police station had a cell that could house two people. They got rid of it because it was a safety issue for the officers when dealing with combative people. When moving to the new building it was decided to use shackles. Mr. Brickell stated the dimension is 3 feet by 2 feet and trying to fit someone into a cell that size would be challenging. Most people are there because of poor choices and some people are there for mental health issues. Chief Kachajian advised one does the same thing when putting someone into a cruiser and noted most of the cars do not have cages. He stated there is a sliding secure door where they can be handcuffed when opening the main door. This would be for someone who is six feet tall and if there is someone that is extremely tall or obese, they would have to adjust how they would deal with that person. Ms. Astone asked if there are any lawsuits with this kind of holding cell and Chief Kachajian was not aware of any lawsuits and if he can reduce liability, this is the best that can be done. Cecil Reniche-Smith stated this is an additional tool to have keep the people and officers safe. Debbie Boyce witnessed three officers having all they could do to get someone in the back of a car and towns many times do not have three officers on duty and asked if there is a back-up plan. Chief Kachajian stated every situation is different and he relies on the training and situations and hopes that there is a backup officer available. Heather Nelson asked if there are other comparable alternatives. Chief Kachajian advised there are other towns that have a cell and he is shocked that there has not been a lawsuit against the Town as he sees issues with shackling prisoners to a wall. The reason for this size cell is the cost as he has funds left over from purchasing a cruiser. Debbie Boyce asked if there are guidelines for someone under 18. Chief Kachajian stated if it was a violent individual, they would be placed in it.

**Motion** by Cecil Reniche-Smith/Tracy Wyman to approve the purchase of a holding cell for the police station using funds that are available. **The motion passed with two no votes - Brian Coolidge and Tim Guiles.**

## **10. Consider Working Group for Shade Tree Preservation Plan**

Seth Hopkins advised the Tree Warden has drafted a Shade Tree Preservation plan and suggested a working group from the Select Board to go through it with him. This is a policy writing enterprise that would be best done in that manner. Tracy Wyman and Brian Coolidge volunteered to work with the Tree Warden on this item.

**Motion** by Tim Guiles/Cecil Reniche-Smith to appoint Tracy Wyman and Brian Coolidge as the working group with the Tree Warden. **The motion passed unanimously.**

## 11. Semi-Annual Report from the Energy Committee

Jim Emerson of the BEC noted they are looking for questions and recommendations. Heather Nelson liked the bike racks. Tim Guiles was glad the BEC was active and encouraged them to keep up the good work. Mr. Emerson reported the BEC is planning two Button-Up events this fall with one on October 11<sup>th</sup> for Brandon businesses and commercial landlords sponsored by the Chamber and SolarFest. A similar format will be held for residents on November 8<sup>th</sup>. Claire Astone asked whether the e-bike helmets were safety rated. Bill Moore researched this and wearing a bike helmet versus not wearing is better, but one can go 30 to 40mph on a regular bike and there is no difference between e-bike to a regular bike. Ms. Astone advised e-bike helmets are rated for higher speed and are crash tested up to 28 mph and recommended people are educated about that. She has researched this item and they are definitely rated differently. Mr. Moore advised there is an annual safety day and he would like to discuss this subject with Ms. Astone. Chris Conlin stated if an e-bike is going 30 mph, they should be registered and insured. Cecil Reniche-Smith stated there are cheap bike helmets that will not protect, and the difference between a \$10 helmet and a \$50 dollar helmet is great. A traumatic brain injury can happen falling off any bike. They do make e-bike helmets and it is up to the consumer to decide what they want to do.

## 12. Discussion on BRAVO

Tim Guiles wanted to come to a conclusion about appointing a coordinator and appointing the members of the BRAVO Board. Cecil Reniche-Smith reported she, Heather Nelson and Seth Hopkins met with Claire Astone, Interim BRAVO Coordinator. It was learned that the coordinator is chosen by the Town Manager and approved by the Select Board. The former coordinator resigned and at that time Mr. Atherton appointed Claire Astone as the interim coordinator. There was a discussion about the BRAVO committee operating differently from other committees in the town and part of that was due to the way it was formed. The town committee members are appointed by the Select Board and there was a discussion of bringing BRAVO to be the same as the other committees. One of the items discussed was the role of the coordinator. Ms. Reniche-Smith stated Brandon is the only town to have a local restorative justice committee of all volunteers and one item discussed was whether to remain that way with the members and coordinator as volunteers appointed by the Select Board or to work with the Rutland Restorative Justice Center and use their paid coordinator and provide a local volunteer panel. The coordinator has a specific role of being a liaison with the police chief and writing the reports. The committee of volunteers would then do the work of restorative justice, but the coordinator would not be a part of that process. It may make sense to connect with Rutland's committee with a paid coordinator to see if they could do the coordination with the Town's volunteers that would free them up to do the restorative justice. Claire Astone advised Tim Guiles had served as coordinator and chair up to 2 years ago. Ms. Astone asked what the concern is in terms of having someone paid from Rutland Restorative Justice or someone that has the same training from DOC and works with the judicial system. It was noted they have numerous programs, provide counseling, and do diversion from court that the Town would not be doing. In terms of committee, Ms. Astone stated this is our community and it makes a difference for our committee to work with our police department. Ms. Astone's time is up and she contacted the Town Manager as the selection of a coordinator is the responsibility of the Town Manager. She does not know where the bylaws came from, but the committee has had the head of restorative justice here to provide training. She is happy to assist with training and is working with Addison County for training. She is not opposed to changes but thinks this is our community and the arrests will be made here and the coordinator position is a matter of talking with the police chief, hearing the story, obtaining particulars, talking with the families, and getting a panel together to assure that the documentation is sufficient. Ms. Reniche-Smith noted that she is laying out options based on statute, but not taking away work of the volunteers. The option could be to use the paid coordinator in Rutland and with Brandon part of Rutland County it makes sense to have the coordinator for Rutland County do the upfront work and the town's volunteers do the work for restorative justice. Debbie Boyce advised she worked with Art Doty and Lance Mead who had written the bylaws by taking bylaws from other communities and received her training from Rutland. Ms. Boyce noted where Brandon has not been complete over the last five years is that they are trying to get a person from the community on an advisory board. There is a restructuring of the group that needs to be done. She has talked with June Sargent and she would like the opportunity to be on the ground level in creating the right vision to benefit the town's people. Contact with the schools is missing and there has been a change in the administration there. Ms. Boyce has worked with Addison County and Rutland Diversion. If there was someone that required an assessment, the Town would not be able to do it. Chief Kachajian does not have a problem with BRAVO being tweaked, as it is an excellent program and it should be not only children but adults as well. Ms. Reniche-Smith is waiting to get information back from Rutland and stated this is at the stage of figuring out how to make BRAVO the best it could be and ensure the committee is established the same as all the other committees in

Town. It is not certain with bylaws if the Select Board can reform BRAVO or if they are constrained by the bylaws. Bill Moore advised he served for 15 years on the Rutland County Diversion program and is passionate about this. Restorative justice is important and having a professional trained coordinator is important to assure there are professional interactions with the police chief and families. He sees value in a professional person as this is vitality important and is the cornerstone of restorative justice in Rutland. Ms. Reniche-Smith stated there is the type of diversion that happens with restorative justice that does not make it into the court system. Diversion is when you go to court and are given the opportunity to plead guilty and in return be put in a program to avoid being convicted. Restorative justice does not get to that point. Debbie Boyce suggested a new start. Tim Guiles quoted the following from *The Little Book of Restorative Justice*: “Many feel that the criminal justice process deepens societal wounds and conflicts rather than contributing to healing or peace. Restorative justice is an attempt to address some of these needs and limitations. Often these are offered as choices within or alongside the existing legal system.”

### **13. Appointment of Rutland Emergency Management Committee Reps**

*a) Emergency Management Director (1-year term ending September 30, 2024)*

*b) Emergency Services Voter (1-year term ending September 30, 2024)*

Seth Hopkins recommended for compliance that the Board appoint the Town Manager as the Emergency Management Director and Tom Kilpeck from the Brandon Fire Department as the Emergency Services Voter for a 1-year term ending September 30, 2024.

**Motion** by Tim Guiles/Brian Coolidge to appoint Seth Hopkins as Brandon’s representative to the Rutland Emergency Management Committee and Tom Kilpeck as the Emergency Services Voter for a 1-year term ending September 30, 2024. **The motion passed with one abstention – Heather Nelson (Not Present).**

### **14. Fiscal**

*a) Consider Purchase Order 45038 to Cargill, Inc. for De-icing Salt - \$86,500*

**Motion** by Tim Guiles/Brian Coolidge to approve the purchase order in the amount of \$86,500 for de-icing salt. **The motion passed with one abstention – Heather Nelson (Not Present).**

*b) Warrant – September 11, 2023 - \$156,619.94*

**Motion** by Tim Guiles/Brian Coolidge to approve the warrant of August 28, 2023, in the amount of \$156,619.94. **The motion passed unanimously.**

*c. Blanket Payroll Authorization*

**Motion** by Tim Guiles/Heather Nelson to accept the new blanket payroll authorization. **The motion passed unanimously.**

Cecil Reniche-Smith reported the Brandon Planning Commission is working on updating the Town Plan which must be completed and adopted by February 2024. There is a target date for having a draft to the statutory parties by November in order to hold the public meetings. Thanks to Logan Solomon of the RRPC for the updated 2020 census data that was required for the Plan.

Susan Benedict would like to bring a water mitigation matter before the Select Board at the next meeting.

Tracy Wyman stated at the next meeting the Board will be discussing the ARPA funding.

**Motion** by Tim Guiles/Brian Coolidge to enter into executive session at 9:29PM for the purpose of negotiating or securing a real estate lease option to include the Town Manager per 1 V.S.A.313(a)(2). **The motion passed unanimously.**



## 15. Executive Session

The Board came out of executive session at 10:05PM. There were no actions required.

**Motion** by Cecil Reniche-Smith/Heather Nelson to enter into executive session at 10:07 PM for the appointment, or employment, or evaluation of a public officers or employee, excluding the Town Manager, per 1 V.S.A.313(3)(a)(3). **The motion passed unanimously.**

## 16. Executive Session

The Board came out of executive session at 10:16PM. There were no actions required.

**Motion** by Cecil Reniche-Smith/Brian Coolidge to enter into executive session at 10:17PM regarding a zoning ordinance complaint for which premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage, per 1 V.S.A.313(a)(1). **The motion passed unanimously.**

## 17. Executive Session

The Board came out of executive session at 10:50PM. There were no actions required.

## 18. Adjournment

**Motion** by Brian Coolidge/Heather Nelson to adjourn the Select Board meeting at 10:51PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary