

**Brandon Select Board Meeting
November 27, 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, Heather Nelson, Tim Guiles

Board Members in Attendance via Zoom: Cecil Reniche-Smith

Others In Attendance: Seth Hopkins, Jim Emerson, Jack Schneider, Wayne Rausenberger, Jan Coolidge, Barry Varian, Steve Bisette, Dorothea Langevin, Sandy Mayo, Ralph Ethier, Jeff Schumann, Douglas Perkins, Dave Atherton, Steven Jupiter, Tom Kilpeck, Helyn Anderson

Others in Attendance via Zoom: Bruce Jenson, Marielle Blais

1. Call to Order

The meeting was called to order at 7:03PM by Tracy Wyman – Board Chair.

a. Agenda Adoption

Motion by Tim Guiles/Heather Nelson to approve the agenda as posted. **The motion passed unanimously.**

Seth Hopkins advised there is one board member attending by zoom this evening – Cecil Reniche-Smith.

2. Approval of Minutes

a) Select Board Meeting Minutes – November 13, 2023

Motion by Brian Coolidge/Heather Nelson to approve the minutes of the November 13, 2023, Select Board meeting. **The motion passed with one no vote – Tim Guiles.**

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 highlighted one item from the prior report: The sidewalk and all on street parking between Crosby's Sales and Service and the main traffic light in front of the Congregational Church will be closed to parking and foot traffic tomorrow, Wednesday and Thursday for removal of equipment from the church steeple.

Mr. Hopkins provided the following additional information:

“A public reminder, per the Town's traffic ordinance, there is no parking on any street, or any public parking area, or town highway right-of-way, or “in any manner which may interfere with the removal of snow” from streets or parking areas between midnight and 6AM from November 1st to April 1st, inclusive.

Rep. Stephanie Jerome put me in touch with Doug Farnham, Chief Recovery Officer, who provided me sources to pursue for our expanded Union Street project. Chief Operations Officer Kim Greenwood of the Agency of Natural Resources has today extended further assistance to, in her words, “make sure we turn over every possible stone” for Brandon. Preparing for Town Meeting: The selectboard may wish to determine (a) how it intends to furnish its annual report for the book of reports (now due) and (b) how it wishes to make the proposed budget presentation at the evening informational meeting on Monday 4 March 2024. Town Treasurer Sue Gage reports that the Town has received its quarterly 1% local option tax payment in the amount of \$82,837.12. This is the largest quarterly payment we've ever received, and it brings the cumulative total receipts

since inception of the 1% tax in late 2016 to an amount exceeding \$1.5M. Together with the unobligated amount on hand prior, there is greater than \$190,000 in unassigned 1% Fund.”

Brian Coolidge asked about the scoping grant for the North Street bridge and Mr. Hopkins advised not much has changed. The Town has the brick grant and DuBois and King are working on the plans. Mr. Coolidge also questioned the status of Newton Road and the amount paid on the road. Mr. Hopkins reported he had posted on FPF regarding the opening of the road. The contractor has completed the work and Shawn Erickson has inspected it. The road is plowable and the transitions and driveways have been completed. To date, \$100,000 has been paid. Mr. Coolidge requested the Town Manager do a wage comparison for building and grounds with Middlebury and possibly another neighboring town for the budget workshop on December 5th. Dave Atherton noted there is an area of concern on the road. Mr. Hopkins will have Mr. Erickson review this.

Helyn Anderson questioned the status of the south end of Union Street as this section is dangerous. Mr. Hopkins reported there is a proposal to repave it to the completion of Florence Road and is in the budget proposal that is being worked on currently.

4. Rec Director’s Report

Bill Moore submitted a Recreation Report to the Board and is available for viewing in the Board packet on the Town’s website. Mr. Hopkins noted he would relay questions, if any, to Mr. Moore, as he was unavailable for the meeting this evening.

5. Public Comment and Participation

Cecil Reniche-Smith advised there is a public hearing scheduled on the proposed updates to the Town Plan on Wednesday, December 20th at 6PM in the Town Hall. The Town Plan can be found on the Town’s website and hard copies are available in the Library and at the Town Office.

Jan Coolidge advised the Friends of the Town Hall will be hosting Moonlight Madness on December 6th and December 8th in both the main floor and ground level.

6. Review and Update from Otter Creek Watershed Insect Control District

Douglas Perkins advised he is the outgoing Chair of the District and noted Jeff Schumann and he were present to answer questions about the current year and discuss the future of the District. Mr. Perkins noted Tim Kingston, Sharon Stearns, and Kyle Bearor are the three representatives from Brandon. Last year Proctor voted to join as a full member and there are now six towns that are members. Due to the amount of rain this year, it provided good conditions for breeding mosquitoes and stalled the treatment. They went out 42 times in Brandon but that was not enough and there were 171 requests from residents for service. Overall, the number of service requests was up 200% over the last couple of years. For this year, at the annual meeting, Mr. Schumann was elected as Chair, Lynn Peck – Treasurer and Jeff Whiting – Auditor of the District, which is a new position. Barry Varian thanked Mr. Perkins for the work the District did this year, recognizing it was a horrible season for mosquitos.

Jeff Schumann thanked Brandon, as they are the only town that pays on a quarterly basis. The District runs into cash flow problems in the summer as many towns do not pay until taxes are collected. The District will be doing a quarterly invoicing, as the District has had to borrow funds in the past and would like to avoid this. Mr. Schumann noted there is difficulty in dealing with Montpelier in terms of permits and chemicals and the District continues to work with them as it is believed that more control should be allowed with larvicide. There are 16 Class 2 wetlands and some are not accessible and there could be a 3-to-4-day window and the District has to get out at the right time within a 72-hour window. The State is not allowing the District to use Malathion and it is not sure how long the replacement will be successful. The new auditor position has been created to have internal controls on the way business is done and to possibly streamline some of the work. Heather Nelson questioned the reason for the District’s fine. Mr. Schumann stated there is a situation where the State has completed an inspection and there are some questions in terms of a flow meter. The District does not have flow meters and will determine if they need them. Another violation was whether a chemical was sprayed in an area that was not supposed to be sprayed. Mr.

Schumann spoke with the person who wrote the violation and will be meeting again on December 19th for an ongoing discussion. The District has been sited but there has not been a resolution. Mr. Schumann does not believe there were violations but were misunderstandings. The District can go to a full appeal or to the Superior Court, but there is further discussion that will take place before the situation is resolved. Mr. Varian asked if there is another chemical that can replace the one not allowed and Mr. Schumann advised Cornell has done resistance testing and they do not see a resistance with this chemical but they do not have a replacement at this time.

7. Consider Draft Revisions to Personnel Policy

Tim Guiles advised Cecil Reniche-Smith and he reviewed the Personnel Policy and provided suggested changes as listed in the handout to the Board.

Motion by Tim Guiles/Cecil Reniche-Smith to approve the proposed changes to the Personnel Policy as stated in the Board packet. **The motion passed unanimously.**

8. Consider Results of Requests for Proposals: Town Hall Roof

Seth Hopkins provided three proposals from Titan Roofing, McElwain Contracting LLC, and Sbardella Slate. Tim Guiles noted standing seam is the least expensive option. He knows that slate has longevity, but there are challenges with doing repairs and he would like to consider a standing seam roof. Heather Nelson asked if standing seam would be acceptable for the historical aspect. Mr. Hopkins advised that option would need a signoff by Historic Preservation. Cecil Reniche-Smith stated her experience between standing seam and slate for snow avalanche potential is the same for both. Dave Atherton asked if these were bids or proposals as the amount of money would require a competitive bid process due to the Town's Procurement policy. Barry Varian asked if all quotes require complete removal of the existing roof. Mr. Hopkins stated the proposals indicate existing slate has some value and is taken into consideration in the proposal. Tracy Wyman suggested going out for a formal bid from the three companies and noted there needs to be clarification about material approval for the historical aspect. Mr. Hopkins advised that Sue Gage indicated Historic Preservation is not flexible about windows but is more flexible with roofs, but he would like a specific clearance to change the material.

Motion by Heather Nelson/Tim Guiles to go out to bid for the town hall roof for whatever roof material is approved by Historic Preservation.

Mr. Wyman stated the Board needs to determine how to pay for the project. It was noted there is still \$240,000 ARPA funds available but are not currently set aside for the town hall roof. Brian Coolidge would like to wait until the budget is finalized as some money may be needed for budget issues. Heather Nelson did not agree with using the one-time ARPA funds for balancing the budget. She is concerned with the funds being taken back by the government and noted once the Town has a project planned, it can be allocated. Dave Atherton noted there was a ruling that select boards can place the money in a restricted fund that supersedes everything else. Seth Hopkins stated this was discussed and the Select Board can choose to place all of the remaining ARPA funds into a capital reserve fund. Cecil Reniche-Smith stated VLCT indicated that a new reserve fund could not be created. Mr. Wyman agreed the ARPA funds should not be used for balancing the budget, but there are other items like equipment, police car, or dump truck that the funds could be used for. Ms. Reniche-Smith stated many of the things in the budget discussions are about capital expenditures that are normally included in the budget and she would not want the Board to give a false impression that sources other than taxpayer money can be found for normal town expenditures. Ms. Nelson noted the Town has been trying for a decade to replace the town hall roof and she wants to move forward with the bidding process, once it is determined the material that Historic Preservation will allow. Mr. Wyman suggested a friendly amendment to the motion to send the bids after January 1st as he would like to get through the budget season first.

Jan Coolidge stated the roof has been needed for many years and felt there needs to be a commitment made next year to replace it. Mr. Wyman stated if slate is required, there is \$240,000 remaining in ARPA funds and the current lowest cost would have a \$29,000 deficit and it would need to be determined where the remaining funds would come from. Tim Guiles supported Ms. Coolidge's point to commit to doing the roof next summer as there is a growing interest on the Board in doing this. With the increased 1% options tax funds, the \$29,000 could come out of those funds. Mr. Wyman agreed but did not think waiting until after budget season is completed is too long before doing the bidding process. Heather Nelson felt

comfortable in using money from this fund when the Town received \$87,000 in one quarter. The Board has a chance to do something that is vital for the Town and she would like to move forward with the understanding that a competitive bid process is needed. Dave Atherton noted the Town could hire someone to create bid specs so that the contractors know what to bid on and historically the Town had done a 3-week bid process. He strongly urged the Town to look at the new ARPA rulings about reserve funds as opposed to capital funds to assure the money is obligated the right way. Seth Hopkins advised what has been provided are proposals to allow the Board to decide on the scope of the work and the bid process will be done similar to other larger purchases. Mr. Hopkins noted the Town does not have a resident engineer and questioned if the Board would like to hire an engineer to do specs for the formal bid process. Tim Guiles stated there are three qualified companies that have included details and have included extras if decking is needed to be done and suggested there is enough information to put out to bid.

The motion passed with 2 no votes – Tracy Wyman and Brian Coolidge.

Wayne Rausenberger stated the town hall roof has been a problem forever and thought it would be a smart move to replace it, but noted concern with installing new flooring on the main floor until the roof is replaced. Helyn Anderson stated the roof has been on for over 100 years and slate is a material that will last forever if it is properly maintained. She noted concern with standing seam as it can be dangerous with snow falling and she feels slate is the preferred choice noting the town hall is a focal point of the Town and encouraged the Select Board to fund the project.

9. Consider Proposal and Quotes for Town-owned Solar Array at Brandon Industrial Park

Seth Hopkins noted information was provided regarding proposals for a town-owned solar array and for discussion of securing a lease with the Brandon Industrial Corporation (BIC).

Tracy Wyman questioned the status of the \$60,000 the Select Board approved for the proposed location on Town Farm Road. It was noted the funds were allocated for the development cost and construction, but not site specific, and to date no funds have been spent. Heather Nelson requested Mr. Emerson provide details on what has happened to date. Jim Emerson advised the Industrial Park would have a more favorable lease cost and the BEC has received some preliminary quotes for installing the system. There is a projection of cumulative savings of over \$1 million over 35 years. It would take 10 years to pay off a bond for the cost of the project, less the \$60,000 that would be needed for permitting and preliminary fees. Cecil Reniche-Smith stated the Industrial Park land is not owned by the Town and would require a lease with the BIC. Mr. Emerson stated the BIC would be willing to lease the land for \$1 per year. Dave Atherton advised that Tom Whittaker has indicated the BIC Board has not met concerning this topic and noted concern with discussion of a lease agreement. Mr. Emerson advised the Town Farm Road parcel is still a viable option that would require a commitment of \$2,000/year for a lease. Mr. Atherton noted concern with quotes and estimates in going out for a bond vote as guidelines need to be followed for bidding a project when federal funds are used. Tim Guiles suggested there is enough information for the Board to decide whether to move forward on the project. The point Mr. Atherton made is regarding proper process and the Town will do whatever is needed to meet the process.

Motion by Tim Guiles/Heather Nelson to allow the Town Manager to negotiate a lease with the BIC and move forward with a March 2024 vote on bonding this project.

Cecil Reniche-Smith suggested moving forward with a bond vote would be good. Heather Nelson questioned if the \$60,000 would be lost if the bond vote failed. Mr. Emerson advised expenditures would not be incurred until spring, which would be after the vote. Tim Guiles stated there may be some small expenditures required but the Select Board has allotted \$60,000. Brian Coolidge noted concern that the quoted decommissioning fees were low and thought the Board is moving too quickly on this project. Mr. Emerson advised the party that quoted the decommissioning cost indicated it is an ample estimate based on experience. Mr. Guiles advised at the end of life, there is still value in the panels and the decommissioning amount is ample. Tracy Wyman noted concern that the Town needs to secure a lease prior to going for a bond vote. Sandy Mayo also expressed concern with how fast the project is moving forward, noting she has been doing research on solar panels and companies and has not seen much detail regarding the project. Mr. Guiles stated in allowing the Town to negotiate a lease, if it is not favorable, the bond vote would not move forward.

The motion passed with two no votes – Brian Coolidge and Tracy Wyman.

10. Fiscal

a) Warrant – November 13, 2023 - \$1,215,777.74

Motion by Tim Guiles/Heather Nelson to approve the warrant of November 27, 2023, in the amount of \$1,215,777.74. **The motion passed unanimously.**

11. Adjournment

Motion by Brian Coolidge/Tim Guiles to adjourn the Select Board meeting at 8:15PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary