

**Brandon Select Board Meeting
January 22, 2024**

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 on Zoom: Cecil Reniche-Smith

Others In Attendance: Seth Hopkins, Bill Moore, Jan Coolidge, Steven Jupiter, Steve Bisette, Ken Manning, Ray Marcoux, Sue Gage, Eric Mallory, Ralph Ethier, Barry Varian, Steve Bisette, Ken Manning, Doug Bailey, Karen Rhodes, Patricia Welch, Diana Williams, Tom Kilpeck, Sandy Mayo, Jim Emerson, Vicki Disorda, Skylar Phillips, Jaime Quenneville

Others in Attendance via Zoom: Marielle Blais, Adam Murach, Lisa Peluso, Aidan Alnwick, Jack Schneider, Bruce Jensen, Will Duane, Jordan Martin, Joan Allen, Neil Silins, Claire Astone, Jacki

1. Call to Order

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

a. Agenda Adoption

Motion by Heather Nelson/Brian Coolidge to approve the agenda as amended. **The motion passed unanimously.**

Consider bids for Town Office windows under Item 7a.

2. Approval of Minutes

a) Select Board Meeting Minutes – January 8, 2024

Motion by Brian Coolidge/Heather Nelson to approve the Select Board minutes of January 8, 2024. **The motion passed with one abstention – 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 reported there is a vacancy on the Brandon Energy Committee with the departure of Clare Babyak-Schick. Anyone interested in serving on this committee can submit a letter of interest and cover sheet to the Town Manager by February 8th.

Mr. Hopkins advised the Select Board's hearing for the Town Plan is scheduled for next Monday at 6:00PM. Comments can be submitted in advance or provided at the meeting.

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. Moore provided a review of the report:

Mother Nature has cooperated and the ice rink behind the Brandon Inn is open! Rink Master Wendy Fjeld is dutifully keeping the ice cleared and has left a bin with skates for use at the performance pavilion. Stay tuned for some night skating opportunities.

The Town Hall floor has officially been replaced. Mountainside Flooring has done a tremendous job with the installation of the white maple and it really brightens up the room. Dennis and the FOTH's work to secure the grant will now be augmented by another project to build and install a concessions counter that matches the beauty of the latest upgrade. Clean-up crew has been scheduled and it appears that we will be able to maintain the busy winter schedule.

Brandon Idol is Back! Friday, January 26th 7:00pm the 2024 crop of would-be Idols will audition for the chance to participate in our monthly singing competition. With concerts scheduled for February 23rd, March 22nd, April 19th to prepare for the final on May 17th, this 4th year will prove to be the best yet!

Kennedy Park Concert scheduled for January 27th - Former local teen rock band that is now a young adult staple in the Chittenden County music scene is coming home for a show in the place where they started; The Brandon Town Hall!

Friday Night at the Movies starts on Groundhog Day with a free will offering screening of a very appropriate to the date film being shown.

The inaugural "Kids Fest" scheduled for February 10th is an indoor kids event with all kinds of games, entertainment, and fun! Upstairs at the Town Hall!

Also at the Town Hall: The weekly Indoor Disc Golf Putting league is back on Wednesday evenings at 6:30 on February 7th and running through the end of March. Free to play and a great way to work on your short game during the short days of winter!

Neil Silins Spoon Carving Group will meet monthly starting on February 4th at 2:30. They will meet the first Sunday of the month in the basement of the Town Hall. Free to join (BYOW and T)

Heather Nelson questioned the status of the clean-up work at the town hall. Seth Hopkins reported most of the work is being done behind and around the stage. This was clean-up work when taking up the floor and found that sand had to be removed. Bill Moore advised it was the technology of the day for sound and because of the weight consideration, it was decided to remove the sand.

5. Public Comment and Participation

Sue Gage asked the Board to consider an article to the warning and ballot and would read as follows:

“Shall the Town of Brandon vote to assess an 8% penalty on late payment of taxes on 6/15 of each fiscal tax year, 30 days after the final tax installment due date of 5/15, thereby giving the taxpayers a 30-day notice of penalty assessment?”

Ms. Gage stated the Town's penalties are punitive for some people, particularly the elderly. People that need to pay a week later are assessed a penalty and Ms. Gage felt it is unnecessarily punitive and would like to give the voters the opportunity to consider this. She noted some towns stagger penalties and some do not penalize the full 8% and she would like the Town to be kinder.

Motion by Heather Nelson/Tim Guiles to approve to warn and place on the ballot asking the townspeople to give a grace period before assessing the penalty. **The motion passed unanimously.**

Jan Coolidge asked if the question of funding the police department 24/7 was to be on the ballot. Seth Hopkins reported nothing is on the warning as the Select Board had not made a decision. Sue Gage suggested a straw poll could be done at town meeting. Cecil Reniche Smith noted that a decision had not been made during budget talks as it would be a complicated question because it is more than just saying 24/7 coverage, when the understanding of the costs were not sure. Heather

Nelson would like to ask an advisory question as this is the time of year she would like to get information for the next budget season. Asking the question now makes sense and Ms. Nelson suggested a question of whether there is interest in 24/7 on-duty police coverage knowing that there is an increased cost. She stated most people have indicated they were in favor of this and it was enough to think that the question is warranted. Tim Guiles stated the Town has never had 24/7 on-duty coverage and the concept would need a lot of developing. Brian Coolidge noted at one time there had been 24/7 on-duty coverage. Neil Silins thought including the question in a formal way is better than a straw poll. Mr. Silins suggested there are some Board members who are opposed to any question about increasing police and anyone who feels that way should recuse themselves on voting on this issue as it is not representative of the Town. Barry Varian suggested prefacing the question with what the current coverage is. Mr. Hopkins advised the Select Board's position is that it is not advantageous to announce the type of coverage. The Town does have 24/7 police coverage that will provide responses but some are on-call and those hours should not be specified. Ms. Nelson stated it is a philosophical change and she would want to hear from the community before making a change.

Karen Rhodes questioned how the Board is supporting two electric police vehicles as she thinks from resources she read, it is not a good way to secure people and the cost will be very expensive. Seth Hopkins stated the reason for the conversation is that the Town has a Green Fleet policy and when equipment ages out, non-fossil fuel equipment is considered. The policy was implemented because there are police cars that need to be replaced. The police chief worked with car dealers and received prices for hybrid, electric and gas vehicles. The State has incentives the Town has been awarded and the IRS has a tax credit that the Town will qualify for. This is not a straight purchase and over 3 years the Town would pay the purchase price and retain the vehicles at the end. Diana Williams thought this should be the decision of the people and suggested a petition be initiated. Mr. Hopkins advised the electric car cost was \$9,000 more, but with the State incentive of \$2,500 and the \$7,500 tax credit, the final cost would be just less than the cost of a gas car. The Town will be paying less money to operate and the cars will be under warranty and will not require the maintenance of a gas-powered car. Mr. Hopkins emphasized that maintenance costs will be less and the cars will be under full manufacturer's warranty.

Vicki Disorda read the following in opposition to the electric police cars:

"I've seen a lot of positive comments on Front Porch Forum regarding Seth's tax burden calculator and the personal financial tax impact to the proposed budget by some. However, I would like to remind people that there is much more on the line than our own personal bottom lines when considering some of the proposed changes of the budget, particularly the conversion of essentially 1/3 of our police department to electric cars.

In an article published last January in the Guardian.com, it was reported:

How US's Transition to Electric Vehicles Threatens Environmental Havoc

The transition, fueled by the rollout of historic funding for electric vehicles through Joe Biden's Inflation Reduction and Infrastructure Investment and Jobs Acts, could require three times as much lithium as is currently produced for the entire global market, causing needless water shortages, Indigenous land grabs, and ecosystem destruction inside and outside our borders.

Biden's strategy to fully decarbonize the transportation sector by 2050 may be a good idea, but there's a catch: lithium. Electric vehicles are already the largest source of demand for lithium - the soft, white metal common to all current rechargeable batteries.

The global demand for lithium, also known as white gold, is predicted to rise over 40 times by 2040, driven predominantly by the shift to electric vehicles.

Additionally, "The Inflation Reduction Act's EV purchase incentives apply only to vehicles whose battery minerals come from a list of countries that notably does not include China, which today is the source of most of the world's EV battery metals." (caranddriver.com)

The US's transition to electric vehicles is of major global significance.

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The transition to lithium battery-powered electric vehicles by 2050 will deepen global environmental and social inequalities linked to mining - and may even jeopardize the global heating target.

The speed of the transition - as well as who vehicles benefits and who suffers from it – will depend on the number and size of electric vehicles (and batteries) Americans opt for going forward.

Transportation is the biggest source of carbon emissions in the US – and only the sector in which emissions are still rising. 'Preserving the status quo might seem like the politically easier option, but it's not the fairest way to decarbonize,'

Mining lithium is a fraught business, and the rise in demand for EVs is contributing to a rise in social and environmental harms -and global supply chain bottlenecks.

Lithium mining is, like all mining, environmentally and socially harmful. More than half the current lithium production, which is very water intensive, takes place in regions blighted by water shortages that are likely to get worse due to global heating.

Most forecasters predict a supply crunch in the next five to 10 years -a period when rapid decarbonization must take place to avert even more catastrophic global heating. The price of lithium batteries -the most expensive component of an EV -went up for the first-time last year as demand outweighed supply.

Lithium car batteries, which are the main batteries used in electric vehicles, are not as easily recycled as lead-acid batteries and recycling them is an energy-intensive and costly process.

When I used to work in engineering, my boss would say you have to think of the impacts of a change from A-Z. Have we as a society covered the alphabet of impacts the switch from gas-powered to electric vehicles? The answer is no. This is not yet a comprehensive or globally socially responsible change. More thought needs to go into this before we start throwing taxpayer money at the latest politically motivated Act.

'We can either electrify the status quo to reach zero emissions, or the energy transition can be used as an opportunity to rethink what's environmentally and socially just, both in the US and globally' – and explore possibilities for a future without fossil fuels that minimizes extraction and new harms to communities in lithium-rich areas.'

Ms. Disorda stated these decisions impact more than just the individual taxpayers or the country, as we have a global responsibility.

Adam Murach asked whether a police officer will have to go to the police station when assigned to an electric vehicle when responding to a call. It was noted the electric vehicles would not be used for on-call but would be picked up at the beginning of an officer's shift. It was questioned what the installation cost would be for the charging stations. Mr. Hopkins advised it would be the cost for installing a plug that could be placed in the garage.

Eric Mallory noted reservations about electric cars, citing an example of a police department in South Carolina whose electric police car did not work out and went back to a gas-powered vehicle. He noted concern with purchasing two vehicles and suggested trying one to see how it works and purchasing a gas vehicle for the second car. Heather Nelson appreciated the idea of starting slow and agreed with purchasing one. Mr. Mallory noted he is not against electric, but his experience has been there were issues, but thinks some hybrids and electric can be good. Seth Hopkins stated when purchasing the vehicles, it will be done in an open session and the Board can make the decision at that time. Mr. Hopkins confirmed with the State that the Town could take a grant for either two vehicles or just one.

Sandy Mayo suggested it would make more sense to put this purchase off for a year as there is work being done on batteries other than lithium. Seth Hopkins advised the discussion is about a budget that has room to pay for 2 cars, either gas or electric and it will be up to the Select Board once a budget is passed. Tracy Wyman stated it is a dollar figure in the proposed budget.

Neil Silins advised he visited the police department and noted the police chief was not in favor of electric vehicles without having a larger generator. Mr. Silins was surprised a hybrid car is not being considered as they have better range and can operate in colder temperatures. He noted the headlines this week during the below zero weather indicates the electric vehicles were not holding a charge and they are not at a level for a police car, and a hybrid vehicle is a better choice. He is surprised the Select Board is not considering a middle option and according to what he read they perform better than gas or electric.

Claire Astone thanked the person who read the information about EVs, noting she will never buy an electric car. She agreed the indigenous people will be the ones ripped off and noted Teslas use 8 times the amount of lithium. Ms. Astone agreed with Mr. Silins that no one is talking about purchasing a hybrid.

Tracy Wyman advised the Board has talked about hybrids with the police chief, not just electric or gas. This subject can be discussed again in July as to what will be purchased once the budget is approved.

Lisa Peluso noted she was excited the Town is considering electric vehicles and her experience has been very positive. Given that it was discovered our ice shelf is melting faster, we need to cut our emissions.

6. Presentation by Greg Poelker-McKee of the RRPC on Regional Plan Update

Greg Poelker-McKee reported the RRPC is in the process of updating the regional plan that will be coming out in 2026. Currently the RRPC is doing community engagements to determine what the region as a whole would like to see in the plan. Mr. Poelker-McKee advised anyone interested in taking the survey regarding the plan can access it online at www.rutlandrpc.org/plan2026. Bill Moore noted Mr. Poelker-McKee is a new resident of Brandon and the RRPC will be hosting a forum at the Brandon Inn on February 10th from 2PM to 4PM.

7. Request for Letter of Support for State Acquisition of Swamp Parcel

Seth Hopkins advised the location of this parcel is 6.1.25 on the tax map that is the far western side near Sudbury Creek. Joan Allen and Will Duane from Vermont Fish and Wildlife were present to introduce the concept and is similar to what the Town has supported in the past.

Will Duane, Land Acquisition Coordinator, and Joan Allen, an independent consultant assisting with the project, were present to request a letter of support for this parcel. Mr. Duane advised they are asking for a letter of support as there is a statutory requirement that the Governor's approval is needed and there will be the question of what the Town thinks of the acquisition. Mr. Duane reported the land is owned by Dennis McKeighan and is a 16-acre parcel that the Fish and Wildlife Department would like to acquire to build out the Brandon wildlife area. Mr. McKeighan used to harvest wood on the property but has not been on the property in the few years and the parcel is flooded for most of the year. It is a forest wetland and this request is similar to other projects put forward. Since 2020, 10 parcels in the Brandon/Cornwall complex totaling 400+ acres have been closed on. It was noted this process has been done successfully before and the Town still receives payment and is a good way to keep the swamp healthy and well managed.

Motion by Tim Guiles/Heather Nelson to approve a letter of support for the State acquisition of a swamp parcel as noted above. **The motion passed unanimously.**

Mr. Duane noted if anyone has questions regarding this topic, his email address is will.duane@vermont.gov.

7a. Windows for the town

Seth Hopkins advised the Board that per the Town's purchasing policy, he has obtained three quotes for the replacement of the deficient three large plate glass windows in the town clerk's office (street level). The lowest bid is Royal Group of Rutland who have worked with the Town successfully on other projects. Mr. Hopkins recommended the Select Board authorize completing this project by accepting this quote and engaging Royal Group to complete this work and authorizing the use of the 1% Local Options Tax fund. Mr. Hopkins advised there is currently \$190,000 in the Fund and will leave a balance of \$175,000, if approved.

Motion by Tim Guiles/Heather Nelson to approve the quote from Royal Group and authorize the use of the 1% Local Options Tax fund. **The motion passed unanimously.**

8. Resolution for Bond Vote for Solar Array

Seth Hopkins reported the Bond Council provided the declaration and the certificate. This document indicates the Town will be voting on this item because it is a matter of public goods and the Town would be borrowing to pay for it if the Town votes to do so. Tim Guiles noted this will be one of the first self-funding bonds as the project will make money for the payments on the bond going forward.

Motion by Tim Guiles/Heather Nelson to approve the resolution for the bond vote for the solar array to be placed on the ballot. **The motion passed with 2 no votes – Brian Coolidge and Tracy Wyman.**

9. Award Bid for Construction of Solar Array Subject to Town Meeting Vote

Seth Hopkin provided the results of the bid opening that was done January 12th and thanked Jim Emerson for his assistance in analyzing the different proposals. There are 4 solid proposals if the voters vote to proceed with the project. Mr. Hopkins' recommendation was to award the project, subject to town meeting vote, to Green Earth Energy.

Motion by Tim Guiles/Heather Nelson to accept the low bid from Green Earth Energy for \$468,500 for the construction of the solar array, subject to a positive town meeting vote. **The motion passed with 2 no votes – Tracy Wyman and Brian Coolidge.**

Tracy Wyman noted he was against the Town owning solar as it cannot take care of the current infrastructure. He was also not in favor of placing it in an industrial park as it is not the place to have a solar array and there are other places that should be available. Mr. Wyman reiterated he is against the Town owning anything solar as we can't take care of what we have. He knows the pros and cons of the project but knows there will be maintenance on not only the land but also the rest of the equipment. He will be pushing for a no vote on any town-funded money for the project. Tim Guiles noted he respects Mr. Wyman's position but clarified that the analysis done by Jim Emerson in looking at the expected value included the maintenance of the property and equipment as there is an expected failure rate and was not overlooked. Cecil Reniche Smith pointed out that currently the discussion is which bid to accept if the Town votes to do this project. The Town will have a say and people can push for a no or yes vote, but the agenda item is just what bid it should be. Seth Hopkins stated the Town does not own the land but is owned by the Brandon Industrial Park who voted in favor of the project. This area of the lot is difficult to develop, but the remainder of the lot will be for development with the access, water and sewer preserved for another user. Brian Coolidge noted the Town is the principle off-taker of the solar that is currently there and is receiving a lease payment from the current solar program. Jan Coolidge asked if there is any decommissioning cost included and Mr. Hopkins confirmed that it is included.

10. Approve Revised Blanket Payroll Warrant

Seth Hopkins reported Ethan Kelleher has completed his bachelors degree and becomes eligible to attend the Police Academy with the change to the Academy's rate of pay.

Motion by Heather Nelson/Cecil Reniche-Smith to approve the revised blanket payroll warrant as presented. **The motion passed unanimously.**

11. Approve Town Meeting Warrant

Seth Hopkins advised the Board had a series of possibilities for the warning and the solar bond question and town treasurer's question had been added to one of the versions to allow a positive or negative action on both of the questions.

Motion by Tim Guiles/Heather Nelson to approve the Town Meeting warning as amended.

Heather Nelson suggested adding an advisory question about the police coverage to determine if the Select Board needs to continue the conversation of adding additional police officers. Barry Varian suggested wording indicating that the change would not be happening this year.

Ms. Nelson requested the following non-binding question be added to the ballot:

“The town of Brandon’s police force is currently able to provide 24-hour coverage through reliance on overtime and an on-call system. In order to provide full 24-hour coverage, the town would incur additional expense in hiring officer(s) to fill that schedule. Should the Select Board consider adding an additional police officer(s) to increase coverage to 24-hour on-duty coverage?”

Motion by Heather Nelson/Cecil Reniche-Smith to amend the original motion to add a non-binding question on the ballot regarding police force. **The motion passed with one no vote – Brian Coolidge.**

A vote of the original motion was held. **The motion passed with one no vote – Brian Coolidge.**

12. Reconsider Action on K9 Program

Tracy Wyman requested this item be added to the agenda. He has been on the police union negotiations and would like to maintain the canine unit. Mr. Wyman noted that if he invested \$30,000 in something in his own business, he would not want to do away with it.

Motion by Tracy Wyman/Cecil Reniche-Smith to keep the Police Department’s canine program.

Heather Nelson thanked Mr. Wyman for his reconsideration. Eric Mallory applauded the Select Board for keeping the canine program, noting the department would likely lose the officer if the program were eliminated and the Town cannot afford a revolving door with the police department. Karen Rhodes stated the dog found a lot of fentanyl and asked what price one puts on the lives that are destroyed by this. She noted these dogs are invaluable and have specific jobs to do and thanked the Board for reconsidering. A local business owner stated the Town needs to do something about the drug problem. Tim Guiles stated he admires this form of government and noted this subject was voted on three times with a negative for the first two times and today it is going to come the other way. People are supposed to think about things and can change their minds. Mr. Guiles provided the following points. He does not think the Town needs a canine program. Middlebury opted not to have one and they have more resources than Brandon, and we are smaller. He is concerned with getting a bigger police force and the canine program is increasing the department. There are things that come with having a police dog that includes a dedicated vehicle and a canine officer that has to go out of state for training. In general, he is not fond of having a police dog as this leads to overtime with fewer officers and there are similar size towns that have fewer officers. The Town had two officers with one making \$80,000 and the other making \$110,000 due to overtime and he would like to see the Town’s police department not having to do overtime. Feeling safe is important and there are more ways to build true security by lending a helping hand to your neighbor and at the local level, he would like to have a mental health responder to assist in areas that the police are currently handling.

The motion passed with 2 no votes – Brian Coolidge and Tim Guiles.

Officer Aidan Alnwick thanked the community on behalf of the Police Department, Guinness and himself for the overwhelming support of the canine unit.

13. Fiscal

a) Warrant – January 22, 2024 - \$121,981.57

b) Library Grant Warrant – January 22, 2024 - \$98,047.50

Motion by Tim Guiles/Heather Nelson to approve the warrant of January 22, 2024, in the amount of \$121,981.57. **The motion passed unanimously.**

Motion by Tim Guiles/Heather Nelson to approve the Library Grant warrant of January 22, 2024, in the amount of \$98,047.50. **The motion passed unanimously.**

The Select Board recessed at 8:27PM

The Select Board reconvened at 8:37PM.

Motion by Brian Coolidge/Heather Nelson to find that premature general public knowledge of the pending contract negotiation with New England Police Benevolent Association Local 422 will clearly place the Town of Brandon at a substantial disadvantage by disclosing its negotiation strategy. **The motion passed unanimously.**

Motion by Brian Coolidge/Heather Nelson to enter into executive session at 8:38PM to discuss the Town's pending labor relation agreement with New England Police Benevolent Association Local 422, per 1VSA 313(a)(1) for labor relations agreements with employees, to include the town manager. **The motion passed unanimously.**

14. Executive Session

The Board came out of executive session at 9:10PM. There were no actions required.

15. Adjournment

Motion by Brian Coolidge/Heather Nelson to adjourn the Select Board meeting at 9:11PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary