

**Brandon Select Board Meeting  
March 11, 2024**

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

**Board Members In Attendance:** Doug Bailey, Brian Coolidge, Ralph Ethier, Tim Guiles, Heather Nelson

**Others In Attendance:** Seth Hopkins, Bill Moore, Neil Silins, Bernie Carr, Barry Varian, Tracy Wyman, Dorothea Langevin, Cecil Reniche-Smith, Steve Bisette, Ray Marcoux, Wayne Rausenberger, Steve Cijka, Jan Coolidge, Steven Jupiter, Brent Buehler, Sandy Mayo, Billy Bolloch, Chris Conlin, Karen Rhodes, Barbara Scribrer, Scott Scribrer, Vicki Disorda, Helyn Anderson

**Others by Zoom:** Keith Whitcomb, Bruce Jensen, Marielle Blais

**1. Call to order**

The meeting was called to order by Heather Nelson at 7:00PM.

**a) Agenda Adoption – Motion** by Brian Coolidge/Tim Guiles to adopt the agenda, as amended. **The motion passed unanimously.**

Addition of another executive session due to a recent communication with the Police Union to consider discussion of the labor relations agreement in accordance with 1VSA313(a)(1)(b) whereby premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage.

It was questioned the reasoning for the executive session on the agenda and it was noted that it relates to the one-year review of the Town Manager.

**2. Election of Select Board Officers**

**a) Election of Chair**

**Motion** by Tim Guiles/Heather Nelson to appoint Doug Bailey as the Chairperson of the Brandon Select Board. **The motion passed unanimously.**

**b) Election of Vice-Chair**

**Motion** by Brian Coolidge/Ralph Ethier to appoint Heather Nelson as the Vice-Chair of the Brandon Select Board. **The motion passed unanimously.**

**c) Election of Clerk**

**Motion** by Brian Coolidge/Heather Nelson to appoint Ralph Ethier as the Clerk of the Brandon Select Board. **The motion passed unanimously.**

**The Board recessed at 7:03PM**

**The Board reconvened at 7:18PM**

**Motion** by Tim Guiles/Heather Nelson to take agenda items 3, 5, 6 and 7 as a consent agenda. **The motion passed unanimously.**

Doug Bailey advised that there are still open positions on the Otter Creek Watershed Insect Control District for a representative and alternate.

### 3. Consent Agenda

#### a) *Designation of Select Board as Other Statutory Bodies*

- 1) *Board of Liquor Control (Title 7, Section 166)*
- 2) *Ed Board of Health, (Title 18, Section 604)*
- 3) *Board of Sewer Commissioners*
  - *(aka) Board of Sewage System Commissioners (Title 24, Section 3506)*
  - *(aka) Board of Sewage Disposal Commissioners (Title 24, Section 3614)*
- 4) *Housing Board of Review (Title 24, Section 5005)*

#### b) *Adopt Meeting Rules and Procedures*

- 1) *Rules of Procedure for Select Board of the Town of Brandon, Vermont*
- 2) *Reports of Appointed Boards, Commission and Officials to the Select Board*

#### c) *Designate Official Newspaper(s) of Record*

- 1) *Official – The Reporter*
- 2) *Alternate – The Rutland Daily Herald*

#### d) *Appointments*

##### *- March Appointments (Term ends at first Select Board meeting after the 2024 Town Meeting)*

- 1) *Fence Viewers (3 members) – Olya Hopkins, Jon Wyman, & Tracy Wyman*
- 2) *Green-up Day Coordinator – James Leary*
- 3) *Inspector of Lumber, Shingles, and Wood – Bob Kilpeck*
- 4) *Otter Creek Watershed Insect Control District (2 representatives and 1 alternate) – Sharon Stearns*
- 5) *Rutland County Solid Waste District (1 representative and 1 alternate) – Rep: Gabe McGuigan & Alt: Tracy Wyman*
- 6) *Tree Warden – Neil Silins*
- 7) *Weigher of Coal – Lou Faivre & Olya Hopkins*

##### *- Other Appointments*

- 1) *Otter Creek Communications Union District (1 rep and 1 alternate) April 1, 2024 to March 31, 2025 – Rep: Peter Werner & Alt: Bill Moore*

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

### 4. Establish Meeting Schedule, Time, and Location

- 1) *Second and Fourth Mondays*
- 2) *7:00PM*
- 3) *Brandon Town Hall or Zoom meeting ID #253 279 4161*

Tim Guiles stated upstairs of the town hall has more room to allow to have people welcomed into the space and there is a new floor and is an appropriate setting for the Select Board to meet. Jan Coolidge advised the upstairs is being used on Mondays. Bill Moore advised aikido is scheduled until 6:30PM but noted he will ask them to make an adjustment to the timing. Bernie Carr asked if the downstairs could be the alternate location as the Chamber also uses the upstairs one week during that time. Neil Silins questioned the basis for the change as the current location is a nice space and is concerned that the microphone will not work with Zoom upstairs. Bill Moore stated the library is targeted to move out of the downstairs in July and suggested there are other locations in Town like the American Legion. Mr. Guiles suggested a modification would be to make the upstairs the first space and the downstairs as a back-up. Once the library is out of the downstairs space, the meeting will go back to that space. Doug Bailey stated with the attendance becoming larger, perhaps a larger space is needed. Mr. Silins reiterated concern about the microphone and asked if there is another microphone available. Mr. Moore was not sure whether the microphones upstairs will pick up the voices and whether it can be recorded properly on Zoom but will look into the technology. Sandy Mayo thought the current room was good and suggested the Town will be paying more for heat if using the upstairs. Vicki Disorda suggested it would be good to have some form of childcare to allow more people to be able to participate in the meetings and the space would be good for something like that. Doug Bailey noted that every year there is a process to set the date, time and location and is the reason it is being discussed at this meeting.

**Motion** by Tim Guiles/Brian Coolidge to establish a regular meeting time and location for the 2<sup>nd</sup> and 4<sup>th</sup> Mondays at 7PM in the upstairs of the town hall to include Zoom and to include an alternate location of the downstairs of the town hall. **The motion passed with one no vote – Ralph Ethier.**

## **5. Approval of Minutes**

### *a) Select Board Minutes – February 26, 2024*

**Motion** by Brian Coolidge/Heather Nelson to approve the minutes of February 26, 2024 as amended. **The motion passed with one abstention – Ralph Ethier.**

Add Jan Coolidge's name to the list of attendees.

## **6. 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.

Seth Hopkins congratulated Heather Nelson, Ralph Ethier and Doug Bailey on their elections to the Select Board and looks forward to working with them. There are still vacancies on the Otter Creek Watershed Insect Control District. There is also a vacancy on the Regional Transportation Council that a staff member has expressed interest in filling. Mr. Hopkins thanked Michael Schick and Claire Babyak-Schick for their work in repairing and weatherizing the downstairs windows in the town hall. Mr. Hopkins also thanked Devon Fuller and the DBA for removing the twinkling lights downtown. Mr. Hopkins reported a new boiler was installed in the town hall and the Town has received the 4<sup>th</sup> quarter of 2023 local option tax money of \$63,000. A Select Board handbook and executive summary of the landfill monitoring report were provided to the Board. The full report for the water quality monitoring is on the Town's website. On behalf of the Town Clerk, Mr. Hopkins presented the Board Chair with the official voting results that will be posted on the Town's website now that they are certified.

Brian Coolidge questioned what has happened with the ARPA funds that were designated for the solar project now that the bond failed. Seth Hopkins reported \$2,000 was spent on site design, \$2,800 was spent on the Bond Bank's required advertising in the Rutland Herald and there may be some additional engineering bills for the Design C that have not been received yet. For the remaining funds once all obligations are completed, the Select Board can reallocate the remainder of the \$60,000 to other purposes. Ralph Ethier questioned the damage to the police cruiser. Mr. Hopkins advised an estimate of \$2070 was received today for the older cruiser that was involved in the collision. He has not spoken with the Police Chief about the estimate but noted this is one of the cruisers that would be rotated out if they are replaced. Vicki Disorda asked if the project was going to be presented to the voters again and Mr. Hopkins advised there is no indication that it will be presented again. Jan Coolidge asked with the ARPA funds going back, if it is not designated by a certain date since the solar did not pass, does it mean it is unrestricted. Mr. Hopkins stated it is restricted until the Select Board restricts it again. There has been professional advice provided about this subject. Helyn Anderson asked if the Christmas sheds will be removed and Mr. Hopkins confirmed they would be. Brent Buehler questioned if the police car will be claimed on insurance. Mr. Hopkins noted the Town's insurance company will attempt the other insurance company first. Sandy Mayo asked if the Energy Committee had provided a report on the solar project to either the Town Manager or Select Board and will the Committee continue now that the bond failed or will it be on hiatus. Tim Guiles advised the Energy Committee has an existence for items separate from the solar project in helping the Town achieve its energy goals for 2025 and 2050 and assisting people with energy options. Mr. Hopkins noted he was not aware of any report other than the minutes produced from their meetings. Mr. Hopkins stated he worked with the Committee Chair, Jim Emerson, and the bidders for the project and the only plan was the substance of the question to the voters. Ms. Mayo asked if the Energy Committee is a paid committee and was confirmed that they are volunteers.

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

Bill Moore reviewed the Recreation Report that was included in the Board packet on the Town's website.

Alex Barnhardt has stepped up to offer a once-a-week spring training program for grades Pk – 6. Starting on March 18<sup>th</sup> (Grades 3- 6) and March 19<sup>th</sup> (Grades Pk – 2) area youth can work on preparing for the upcoming Randy Adams Youth Baseball League/Rutland County Youth Softball League seasons.

Want the roller rink experience without the time travel? Jill Doody will be our indoor skating coordinator for Sunday Skating at the Neshobe Gym. Sundays at 1PM. A free offering but you must pre-register. Bring your own roller or inline skates.

Brandon Idol 2024 March concert theme has been revealed. On Friday March 22<sup>nd</sup> at 7:00PM 9 contestants and 2 guest singers will be singing songs from “Rock and Roll”. Doors open at 6:30PM; admission is \$5.00.

This weekend was busy at the town hall. Friday a featured Community Dancing opportunity. The Square, Contra & Line dancing offering is a partnership with the Cast-off 8’s Square Dance Club. Don’t worry if you missed it; we will partner with them again soon. Addison County’s Rockabilly band Atom and Orbits dipped a toe in Rutland County at our Town Hall on Saturday. Both events were “substance free”.

Reminders:

- . Still have a few bus trip tickets left for the Capital Region Flower & Garden Expo on March 24<sup>th</sup>.
- . Baseball registration is open. Please sign up sooner rather than later as we need to plan for the proper number of teams.
- . All registration and program information can be found at [brandonrec.com](http://brandonrec.com).

Bill Moore reported the Town was not selected for the grant that was to be used for the disc golf course. The Rec Department will be looking for other funding opportunities. Helyn Anderson stated she spoke with someone about a skateboard park. Mr. Moore stated there was discussion about a skateboard park and the prior Select Board approved \$30,000 for the replacement of the courts at Estabrook Park. The decision has been made to do repairs and resurfacing with a thicker layer. It was questioned if the funds will also help with maintaining the space, with the suggestion to set funds aside for maintenance. Mr. Moore advised a more permanent solution was determined.

## **8. Public Comments and Participation**

Doug Bailey stated the elected Select Board members are diverse members of our Town and respectful communication is helpful and will lead to a better town.

Chris Conlin suggested assisting the appropriation groups with their funding, providing an example of the library asking for \$70,000 and suggesting that the library raise \$35,000 and appropriate \$35,000. He noted the Rescue Squad and Fire Department go out to find funding and questioned why the Town does not assist them with their funding rather than appropriations. Seth Hopkins advised the amounts of the appropriations are rarely the sole operating funds and in the case of the library, they go to the other towns and obtain contributions and also have the apartment rentals. In some ways the groups obtaining other funding is already happening and there are multiple revenue sources. Tim Guiles noted the library is a public service and it is appropriate for the Town to fund it as a community. Bill Moore advised the \$7,000 for the Independence Day celebration is for the fireworks that are now costing \$12,000 and there is a larger fundraising effort happening as it costs \$18,000 to put on this event. Cecil Renich-Smith reported the library board spends a significant amount of time raising money from various sources like grants, corporations, and individual donations. The \$92,000 appropriation has been the same for the last 5 years and is an acknowledgement that the library is a great service for the Town. It is a free public library and the per capita cost is \$18 per person whereas other towns ask for per capital of \$45 to \$50 per person. Mr. Hopkins advised the groups petition to get the appropriations on the ballot and it is not the Select Board going out for the appropriations, noting there have been one or two out of town non-profits that have been able to appear on the ballot as there are not restrictions if 150 registered Brandon voters sign their petition.

Neil Silins reported VLCT has a select board course and asked if the board would be interested in this course. Doug Bailey advised he has participated in this in the past and for board members who have the time to attend, there is one scheduled for March 23<sup>rd</sup> in Lake Morey.

Tim Guiles noted concern with the VGES information in the water quality monitoring report with regard to some of the levels being above the standards near the landfill and questioned if the Town has a responsibility to get the levels down. Seth Hopkins advised the Town is waiting for information from the Agency of Natural Resources regarding what the Town's responsibilities are. They have asked the Town to sample the nearest private well and the Town is working closely with ANR and to find out if any additional action is recommended or required.

Helyn Anderson noted with regard to appropriations, it is on the voter to research the appropriations in order to make an informed, educated vote.

Brent Buehler questioned if a legal opinion was sought by the Town with regard to whether a neighboring town manager could run for the local Select Board. Seth Hopkins reported there are a series of things that are incompatible offices and if it is not on that list and one is a legal voter, you can run. The Town did not pursue any other judgement and the candidate had indicated he had inquired with the State regarding this topic. Mr. Buehler asked if one would have to recuse themselves from executive sessions if this were the case. Mr. Hopkins stated if the voters choose to elect a person, the elected official has the option to recuse what they would want and the Board cannot require one to recuse but can suggest to a board member regarding recusal. Mr. Hopkins noted elected officials are fairly untouchable. Mr. Buehler stated having another town manager on this Town's Select Board does not seem correct. Vicki Disorda asked if the Select Board could post general rules for Select Board meetings so that attendees know what is expected. Mr. Hopkins will post this information on the Town's website. Neil Silins stated there are board members on major companies that service on other boards and do not profit from the boards and the world does not consider serving on multiple boards as a problem. Helyn Anderson reported that she contacted Jenny Prosser, the legal person at the State with regard to this subject and was advised that it would be acceptable to be a town manager and serve on another town's select board as long as they are a resident of that town.

Brian Coolidge suggested the Town should be sure to revote on the budget when the school district does their revote for the best value. Mr. Hopkins reported the Town has been speaking with the school district regarding this topic.

## **9. Set Date for Budget Workshop**

Seth Hopkins suggested a budget workshop be scheduled for next Monday with the Budget Committee. The meeting was scheduled for Monday, 3/18 @ 7PM in the upstairs of the town hall. Tim Guiles stated it is an open meeting that anyone can attend. Zoom will be available for the meeting. Heyln Anderson asked where the hardcopies of the notices will be posted. It was noted that the warnings are at the Forest Dale Junction Store and Deli and outside the town office. Ms. Anderson suggested posting at the ATM locations of the banks. Mr. Hopkins stated the Open Meeting law indicates posting to be near the municipal office and two other locations and the Select Board is responsible for making the designations on behalf of all public bodies. Heather Nelson suggested a third location be the Brandon Post Office.

**Motion** by Tim Guiles/Heather Nelson to designate three public postings for meetings to include the Town Office bulletin board, the Forest Dale Junction Store, and the Brandon Post Office. **The motion passed unanimously.**

Barry Varian asked what the anticipated completion time for the voting would be. Mr. Hopkins stated the budget workshop will complete the work in one session and the budget revote will happen in the 2<sup>nd</sup> half of April. Mr. Varian requested, as a member of the Budget Committee, to post on Front Porch Forum requesting input from the voters who voted down the budget regarding what items they were dissatisfied with. Doug Bailey noted he heard a lot of comments but there was not a clear item other than the percentage was too high. Mr. Bailey noted the budget failed by 100 votes and the Board needs to review the budget and come forth with a sound budget. Mr. Bailey requested all members try to solicit information from the public for the budget meeting.

## **10. Downtown Parking Concerns & Plan**

Heather Nelson advised parking is a constant discussion for the Select Board with one idea discussed of monitoring parking and ticketing, but noted that did not seem reasonable. Ms. Nelson suggested having short-term parking spots (15 minutes) at various locations like close to the town office, near the pizza place and near Mae's Place for short-term errands. Tim Guiles thought a larger discussion should be held about parking and suggested long-term parking could be satellite parking as there are not enough parking spaces downtown. Bill Moore stated this topic was discussed with regard to economic development and noted more parking was added since Segment 6. Mr. Moore asked the Select Board to consider putting together a

working committee to develop some creative ideas for parking. Doug Bailey agreed and suggested the committee include someone from the Chamber, a Board member, and representative from the Downtown Business Alliance. Seth Hopkins reported there have been volunteers who have expressed interest in participating on this committee and suggested the Board determine the number of members for the committee, to also include an apartment dweller. Brent Buehler noted he was unaware for years that parking behind Café Provence was municipal parking and that some of the parking is hidden. Ray Marcoux questioned where the residents in the Aubuchon block apartments are to park. Mr. Hopkins stated he recalled the Town waived the parking as a benefit of having more people in the apartments and noted the Smith Block owner is not under obligation for parking. Consideration was behind the building, but there is not an easy answer for this area. Karen Rhodes stated it is hard to try to park in front of where you work as far as safety is concerned and this needs to be kept in mind. Mr. Hopkins will put something out in an effort to create a committee.

Brent Buehler questioned the signs that are illuminated next door and asked how that happened. Mr. Hopkins reported some of the signage for this business was grandfathered and the Zoning Officer continues to work with the owner of the property to try to encourage compliance because his opinion is there are some elements that are not in compliance. The Planning Commission is starting work on the BLUO and that includes a Signage section. Tracy Wyman stated he had previously received complaints about parking, but it is a great problem to have. Heather Nelson stated parking in the downtown may be a little easier when the library is back at its location. Bernie Carr stated a committee is a good idea for discussing parking but there are very few pockets available and if more of these parking issues could be shifted, it would free up some of the parking. Neil Silins suggested there be signage indicating where parking is available. Mr. Moore advised whatever comes out of the committee has to be ratified in the Town's Traffic ordinance. Mr. Hopkins noted there are some issues in the Traffic ordinance that should be addressed in parallel. Cecil Reniche-Smith stated something for consideration would be working with private landowners as there are parking lots that are underused and perhaps there could be areas to consider. Vicki Disorda stated the old Ayrshire building and the Seminary Hill school are potential locations, and suggested private landowners could consider charging for parking on their locations.

## **11. Winter Operations Policy Update**

Seth Hopkins reported the policy is being updated and there are changes to the equipment. Mr. Hopkins thanked the community for its patience with road conditions this morning. With all of the snow coming at a rapid rate, there was only one call and that was addressed. The Highway Department's prior foreman has retired and the 4<sup>th</sup> person has not been hired yet.

**Motion** by Tim Guiles/Brian Coolidge to adopt the Winter Operations policy.

Doug Bailey stated in years past, the Board would have a policy come forward for discussion and vote on it at a subsequent meeting and asked if the Board felt this a beneficial process for policies. Brian Coolidge did not see harm in postponing the approval.

**The motion was withdrawn.**

Seth Hopkins advised with Roberts' Rules for Small Boards the Select Board can discuss without a motion. Tim Guiles stated waiting for a subsequent meeting was for open positions not policies and he would prefer to not have this process if it may hold up policies.

## **12. Fiscal**

*a) Warrant – March 11, 2023 - \$191,406.50.*

**Motion** by Heather Nelson/Brian Coolidge to approve the warrant in the amount of \$191,406.50. **The motion passed unanimously.**

**The Board recessed at 8:38PM.**

**The Board reconvened at 8:52PM.**

**Motion** by Heather Nelson/Tim Guiles 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 Heather Nelson/Ralph Ethier to enter into executive session at 8:53PM to discuss the Town's pending labor relation agreement with New England Police Benevolent Association Local 422, per 1VSA 313(a)(1)(b) for labor relations agreements with employees, to include the Town Manager. **The motion passed unanimously.**

### **13. Executive Session**

The Board came out of executive session at 9:17 PM.

There were no actions required.

**Motion** by Heather Nelson/Ralph Ethier to enter into executive session at 9:18PM for the appointment or employment or evaluation of a public officer or employee in accordance with 1 V.S.A.(313)(3)(a)(3) to include the Town Manager. **The motion passed unanimously.**

### **14. Executive Session**

The Board came out of executive session at 9:36PM.

There were no actions required.

### **15. Adjournment**

**Motion** by Brian Coolidge/Tim Guiles to adjourn the Select Board meeting at 9:37PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary