

Brandon Select Board Meeting
May 13, 2024

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

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

Others In Attendance: Seth Hopkins, Bill Moore, Billy Bullock, Karen Rhodes, Pat Wood, Jan Coolidge, Erynn Doaner, Andrew Doaner, Judy Bunde, Ray Marcoux, Vicki Disorda, Brent Buehler, Karen Farwell, Steven Jupiter, Jonathan Fries, Kenneth King, Stephanie Jerome, Tom Kilpeck, Jack Schneider, Pat Wood, Chris Conlin, Arlen Bloodworth

Others by Zoom: Bruce Jensen, Bob Foley

1. Call to Order

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

a. Agenda Adoption

Motion by Brian Coolidge/Tim Guiles to approve the agenda. **The motion passed unanimously.**

Add Item 9a – Tree Warden Letter Regarding Tree Removal

Add a second executive session regarding a legal matter!

2. Approval of Minutes

a. Public Hearing Minutes (Vicious Dog Complaint) - April 22, 2024

b. Select Board Meeting Minutes – April 22, 2024

c. Special Select Board Meeting Minutes – May 6, 2024

Motion by Brian Coolidge/Ralph Ethier to approve Public Hearing minutes of April 22, 2024, Select Board minutes of April 22, 2024, and Select Board minutes of May 6, 2024. **The motion passed unanimously.**

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.

Seth Hopkins reported a meeting regarding the bioswales took place on Saturday. There were 16 people in attendance to learn from the naturalist who designed the rain gardens. There is a plan going forward with support from the Town and the volunteer group for care of the swales. It was noted that the engineering firm indicated this is the way that the swales are usually handled. Mr. Hopkins also reported he took pictures of the guardrail installations and sent them to the Select Board this afternoon and noted these were accepted by the Highway Chief, Jeremy Disorda.

Brian Coolidge requested an update on the ARPA funds from the solar bond. Seth Hopkins advised there is no change from the last update and there will not be a final bill. Mr. Coolidge questioned the comment in the Town Manager’s report about running at a 3% deficit. Mr. Hopkins stated the reason the budget expenses do look ahead of the forecast is the operating budget is what is used for expending materials and labor. The reason it looks higher is because of running several non-budgeted expenditures throughout the budget, like the town hall floor, which was not all expenses of the Town, but there are offsetting revenues. Some spending is understated with \$30,000 from ARPA for the Estabrook court resurfacing that has revenue but has not been expended. The Town Treasurer had been working on a projection for May/June that is ready to be

sent to the Select Board. Ms. Gage has the two months projected with notes that will include the funds. Mr. Hopkins stated he includes a snapshot every two weeks to show where the budget stands, rather than once per quarter by the Town Clerk as over the course of the year, it makes more sense to have a pulse on the budget. The projected two months indicate there will not be a deficit, but a small surplus. There are some expenses that were incurred in the year that get billed in July and August. Mr. Coolidge asked how buildings and grounds generates revenue. Mr. Hopkins advised the buildings and grounds would generate revenue for insurance claims, donations from the Friends of the Town Hall for the town hall floor and a small amount of rental fees for town parks and facilities. Mr. Coolidge asked if VTrans has appointed a project manager for the Union Street project. Bill Moore reported VTrans has the easements ready but there was a problem with regard to the railroad and Mr. Moore is currently the project manager, but it is in the hands of VTrans right now.

Doug Bailey thanked Neil Silins, Tree Warden, for the Arbor Day event and Jim Leary, Green-up Day Coordinator, for the Green-Up Day efforts.

Jan Coolidge suggested the Project Tracker could be added to as there are projects that are going to be designated, and if the budget passes the \$100,000 for roads could be added. Seth Hopkins agreed the \$100,000 could be added. Ms. Coolidge will research past minutes as she thought there is also a \$10,000 recurring charge.

4. Rec Director's Report

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

Mr. Moore reviewed the Rec Director's report submitted:

All 3 sessions of swimming lessons at the Brandon Inn are open for registration - they will run the weeks of June 24th, July 15th, and July 29th.

The popularity of the October 3rd Brandon Rec Bus Trip to Salem cannot be overstated. 2 full buses sold out in less than 48 hours. A waiting list was created and now we have a third bus that is nearly full. These trips are in partnership (in parking lot only) with the Rutland and West Rutland Rec departments.

Safety Day was postponed; we will be reconstituting this event to be a more bike promotional event. Will be working with the Brandon Area Bike Association and other organizations. Stay tuned.

At the last meeting, select person Ethier asked for a breakdown of baseball participants that were not from Brandon. 43 non-resident baseball registrations. We collected \$387 in non-resident fees - an extra \$9 per. The breakdown of residency from the top 3 towns: Leicester (17) Whiting (17) Sudbury (5).

A temporary practice field will be installed at Estabrook - drive-in side - to help alleviate the crowded field space. Nate from Buildings and Grounds (B&G) and I met with Jeff Zangla from Vermont Tennis Court Surfacing at Estabrook last week and a quote is coming for the plastic resurfacing/lining quote (not inclusive of the asphalt).

Met with VABIR about placement of a summer worker experience to help with B&G. This is a work training program for ages 17 - 24.

The Brandon Idol Finale is being held at the Brandon Town Hall on Friday, May 17th. \$5/per person entry. The 2024 winner will be crowned!

Otter Valley is holding their annual volunteer day and some projects we have targeted for their morning of service:

- Site 1: Seminary Hill Park - Spreading Chips at the playground
- Site 2: Downtown mulch spread in parks.
- Site 3: Estabrook Park - Chips Spread/Paint Picnic Tables
- Site 4: WWTP@ 500 Union Street: Paint Building/Possible clean out/organize a building
- Site 5: Neshobe School Ball field- Paint snack shack.

Doug Bailey questioned if the warning for uniforms was covered in the sponsorships. Bill Moore confirmed that the 14 teams are sponsored and the cost is offset.

5. Public Comment and Participation

Karen Farwell expressed disappointment in everyone with regard to the budget process with regard to the lack of participation by the townspeople and the Select Board not reviewing the budget line-by-line as she thought there is still a lot of fat and waste in the budget. She also noted concern with the proposal of separating the school budget from the town's budget revote to provide the town a better chance to approve a budget. Ms. Farwell noted other disappointments that included the Police Chief's comment of an April 3rd incident and a BYOB party that took place in the Town Hall. Ms. Farwell hoped all would be charged with a fine. Ms. Farwell thinks there is a lack of accountability and a lack of transparency. With regard to Mr. Hopkins' comments regarding the swales, she had brought this to Mr. Hopkins attention several months ago. She is excited about the Town taking care of the swales but noted that the Town has more management overhead than any other town in the state. She is also disappointed in cutting a police car and noted that the Town should not go to an electric police car as the officers are the people that keep the Town safe. Lastly, she is concerned with the Reporter's pro-budget content, noting one Board member had indicated they have been outsold. She apologized to Brian Coolidge as she can relate to him. Ms. Farwell asked the Select Board to postpone the budget vote, go line-by-line, and adopt some of the changes recommended. If the budget passes, she suggested everyone step up and demand accountability and transparency as this fuels what will happen in the future.

Jonathan Fries stated he loves living in this Town and people can disagree with each other. He is sure the Board is trying to do what is right for the Town, and everyone should take credit in working for the benefit of the Town. Mr. Fries thanked the Board for their time and service. He stated many of the services that are seen as bloated could keep some people from drug issues. Regardless of age, he hopes everyone wants more for tomorrow than today, and he wants the town to be stronger and better in the future. Mr. Fries reiterated his gratitude to the Board for all the work they do and thanked the people that have come to speak their minds.

Vicki Disorda stated at the last special Select Board meeting, Doug Bailey said if this is about affordability, the new budget revisions should pass. For some that have been coming to the meetings, rest assured another no vote is a vote of no confidence. Preceding the elections, the Select Board has systemically ignored peoples suggestions that include budget committee members who volunteered their time and effort. The Board has also ignored and blamed Tracy Wyman for the mess that the Town is in. Ms. Disorda read a prior statement made by Mr. Wyman. Ms. Disorda stated the budget has a \$10,000 tracking system for the Town Manager and \$7,000 more for the Assistant Town Manager. Ms. Disorda expressed concern that she has not seen democracy put forth to the public and thought collectively the Select Board has lost voter confidence and she felt that most should be replaced.

Representative Stephanie Jerome reported the Legislature has adjourned and noted it was a difficult session, but the Legislature did a good job getting the bills passed. Two bills that passed specific to Brandon was one bill that merged Fire Districts 1 and 1, as all charter bills have to be passed by the Legislature and signed by the Governor. Bill S310 regarding flood resiliency has changed water and wastewater workers to essential employees. Ms. Jerome advised a bill that she worked on in the Commerce Committee was a data privacy bill that protects sensitive data and provides safeguards. This bill will be the first bill like this in the country regarding data privacy and is the first one where citizens can sue if harm has been done to them. In next week's Reporter, Ms. Jerome will provide a year-end summary and more details of the articles that passed. The Legislature may be returning June 17th and 18th if any of the bills are vetoed by the Governor.

Judy Bunde reported the DBA, the Downtown Business Alliance, who enhances the business district has put out the tables downtown and on Saturday they will be planting 60 flowerpots. They are looking for support from the public to help get the work done. This gives a unified beautiful appearance for the Town. Ms. Bunde noted she has been enjoying the tulips and the flower posts will take over after they are gone. The merchants have all agreed to water and maintain the ones in front of their businesses. This is the 13th year that the DBA has put them out and it makes the Town look like it is one that cooperates and they are also for the enjoyment of the locals as well. Anyone wishing to send financial support to the DBA for this effort, checks can be sent to DBA, P. O. Box 361, Brandon, VT 05733.

Tim Guiles stated this is a public space and when comments are made that are not true there should be responses. He loves living in Brandon and it is a wonderful community. The Select Board is a board of five people and no one has any power by themselves and it is not true to claim that one person is doing something. There was good participation in the budget process and people were allowed to give their points of view. Listening is different than agreeing and is not the way decision-making happens. Mr. Guiles noted concern that the claim that people will lose their homes is harmful as the State has sensitivity and one does not get taxed more than a reasonable amount and is sometimes zero for some households. He noted there is not a lot of fat in this budget and the Town's budget has been below inflation for the last 5 years and he has respect for the boards before him. What people don't realize is that the Town has a risk for raising too little money, and the Town would not succeed. The Board listened to the proposal by the Town Manager that was generated from discussion with the Department Managers. The Road Foreman had indicated that \$300,000 was needed, which is why the Board was convinced but it needed to be cut. At some point the money will have to be raised to support the roads. It is not true that electric cars are not used for police departments as many departments do use them. The Board has not committed to purchasing electric cars but will be at the judgement of the Board. With regard to any aspersions with bloated management, the Board has confidence in the management team and are paying less than the prior management team.

Doug Bailey advised in preparing for tonight's meeting, he noted that the FY25 budget revote is for \$3,328,800 that is \$17,000 less than last year's approved budget and \$13,000 less than the approved budget of two years ago. There is no fat in the budget and he does not understand where people come up with that idea.

Vicki Disorda stated there is a \$10,000 tracking program to help the Town Manger do his job. Tim Guiles stated this program is an enhancement that has been needed for a while. Ms. Disorda requested the details of the appropriation be included in FPF.

Billy Bullock thanked Mr. Fries for his comments about the children, noting he has lost several of his best friends to drugs. The rec center where he grew up did not have a successful team and drugs have a way of tearing towns apart. He also thanked Bill Moore for the work that he does to give children things to do and the work that he does is insurmountable to anything else that gets done. If the young are not taken care of, the Town will fail as he has seen this in prior towns where he has lived. With regard to the Town Manager, he commended Mr. Hopkins for his immediate responses and noted there is no way for him to hide anything. Mr. Bullock thought it ludicrous for anyone to accuse anyone of the Select Board or Town Management of any wrongdoing unless they are willing to put the facts on the table. He hopes the next vote goes well as services need to be maintained.

Karen Rhodes advised she was a parole officer and she has seen people from all walks of life succumb to drugs. Good recreation programs are not the be-all answer as there needs to be active parents and ground rules for children.

6. Consider Certificate of Approval for Location of a Salvage Yard

Doug Bailey advised the request is a renewal of the salvage yard for Thunder Towing on Paint Works Road that has been on the property for many years. Tim Guiles noted the information looked complete in the packet.

Motion by Tim Guiles/Brian Coolidge to approve the Certificate of Approval of a Salvage Yard for Thunder Towing & Auto Recovery. **The motion passed unanimously.**

7. Approve Brandon Revolving Loan Fund – Common Ground, LLC

Bill Moore stated as background, the Town has a revolving loan fund that was established from a USDA development loan to Nexus several years ago. Nexus repaid the loan that went back to the Town and this fund has been used to help business grow in the Town. Mr. Moore read the letter from the Revolving Loan Fund Committee regarding the request by Common Ground, LLC for a revolving loan fund for a custom catering food truck to increase their business in Town. The Doaners were present to answer any questions. Mr. Moore noted this fund is not taxpayer money and is a loan fund for the Town to promote business at a low interest rate and is handled through a Revolving Loan Fund Committee. Tim Guiles stated he is grateful to

the Doaners and to Mr. Moore and the Revolving Loan Fund Committee for using these funds to do good things for the Town.

Motion by Tim Guiles/Ralph Ethier to approve the Brandon Revolving Loan for Common Ground, LLC. **The motion passed unanimously.**

8. Approve Brandon Revolving Loan Fund – 22 Park Eatery

Bill Moore read the letter from the Revolving Loan Fund Committee regarding a request by Kenneth Lee of 22 Park Eatery that would be at the location previously held by Foley Taco and Bean. The Eatery will help provide more options for dining for the community. Kenneth Lee stated he loves Brandon and thanked Mr. Moore for his assistance and noted he looks forward to a great future to help promote the Town. Heather Nelson noted she went to school with Mr. Lee and it is great to see people who grew up here and moved away, to choose to come back. It shows how many opportunities there are for people to work here.

Motion by Heather Nelson/Tim Guiles to approve the Brandon Revolving Loan Fund for 22 Park Eatery. **The motion passed unanimously.**

Stephanie Jerome stated many towns would love to have a revolving loan fund like Brandon's and it is a great thing for jump-starting businesses and there are many towns that would like to replicate this. She noted this money has helped so many businesses and has great success. Bill Moore stated this loan fund exists for people from Brandon and if there are people that have an idea for a business or to expand a business, Mr. Moore encouraged them to contact the Revolving Loan Fund Committee.

9. Receive Results of FY23 Audit

Seth Hopkins reported the Town received the audit report on April 19th and the auditors expressed an unmodified opinion, or a clear audit. There were a couple of comments proposed for actions going forward. Doug Bailey asked if there was work done on the recommendations and Seth Hopkins confirmed the Town Clerk is acting on them. It was noted no action on the Board's part was required and was for the Board's information.

9a. Tree Warden Letter regarding Tree Removal

Seth Hopkins advised the Tree Warden intends to remove two shade trees, one at 115 Steinberg Road and one at 52 Park Street that are in the right-of-way that are deteriorated and have the potential for damage to persons and/or property. If approved by the Select Board, a notice would be posted for 15 days prior to the removal and the trees would not be removed prior to May 29th.

Motion by Brian Coolidge/Ralph Ethier to approve the Tree Warden's request for the removal of the trees noted in letter. **The motion passed unanimously.**

10. Fiscal

a) Warrant – May 13, 2024 - \$299,082.67

Motion by Tim Guiles/Heather Nelson to approve the warrant of May 13, 2024, in the amount of \$299,082.67. **The motion passed unanimously.**

Doug Bailey noted all payments of appropriations that were approved are included in this warrant. Heather Nelson questioned the warrant for a gun holder. Seth Hopkins advised this was a permanent installation of a gun case at the police station.

The Board recessed at 8:16PM.

The Board reconvened at 8:30PM.

Motion by Tim Guiles/Doug Bailey to enter into executive session at 8:30PM for the appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313(3)(a)(3). **The motion passed unanimously.**

12. Executive Session

The Board came out of executive session at 9:19PM. No action was required.

Motion by Tim Guiles/Brian Coolidge to enter into executive session at 9:19PM to discuss the Town's pending legal matter in accordance with 1VSA 313(a)(1)(e) for pending or probable civil litigation to which the public body is or may be a party. **The motion passed unanimously.**

13. Executive Session

The Board came out of executive session at 9:40PM. No action was required.

14. Adjournment

Motion Brian Coolidge/Heather Nelson to adjourn the Select Board meeting at 9:40PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary