

**Brandon Select Board Meeting  
September 9, 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, Brian Coolidge, Ralph Ethier, Tim Guiles

**Others In Attendance:** Seth Hopkins, Dorthea Langevin, David Kachajian, Jan Coolidge, Karen Rhodes, Sandy Mayo, Barry Varian, Tricia Welch, Bill Moore, Steven Jupiter, Barbara Scribner, Billy Bullock, Nita Hanson, Cecil Reniche-Smith, Nancy Leary, Liz Ross, Tessa Cattermole, Tom White, Judy Bunde, Helyn Anderson, Stephanie Jerome, Ethan Nelson, Britta Nelson, Leif Nelson, Tori Jones, Ryan Fay

**Others by Zoom:** Sue Gage, Kelly Coolidge, Wendy Fjeld, Jon Allen, Bruce Jensen

**1. Call to Order**

The meeting was called to order at 6:30PM by Doug Bailey – Board Chair.

***a. Agenda Adoption***

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

**Motion** by Brian Coolidge/Heather Nelson to enter into executive session at 6:30PM regarding the appointment or employment or evaluation of a public officer or employee per 1 V.S.A.313(3)(a)(3) to include the Town Manager. **The motion passed unanimously.**

**2. Executive Session**

The Board came out of executive session at 6:55PM. There was no action required.

**3. Select Board Remarks**

Doug Bailey wished to remind all in attendance that we are all friends and neighbors and it is asked that everyone is treated with respect.

Heather Nelson thanked Mr. Bailey for the reminder of how things should be.

Ms. Nelson read the following:

*“I would like to comment on something that happened a couple of weeks ago and didn't follow those guidelines.*

*The following statement of equity was ratified by the town and is intended to apply toward everyone in town, whether they be town officials, selectboard members, residents, or simply visitors:*

*The Town of Brandon, a Vermont municipality, recognizes that the individuals that make up the community it serves, are diverse in experiences. Age, race, ethnicity, gender, religion, disabilities, socio-economic status sexual orientation, gender identity and national origin are all factors that contribute to this diversity. It is vital that the Town, its employees, its elected officials, and its volunteers embrace this diversity in our service to the community. Service to our community through work with the Town requires a commitment to respecting and dignifying our differences. Creating opportunities for all in fair and equitable fashion fosters a culture of inclusion.*

*During our last selectboard meeting, I received an email suggesting that I request table skirts from a former constituent, who had previously told the selectboard chair that I needed to be taught to "sit like a lady". For the record, I was one of three*

*selectboard members wearing long pants that evening. I have never before received a comment about how I sit in my personal or professional life, and I would love to say that meant that this comment did not get under my skin...But the next day I found myself questioning, and I even asked my husband if I really did sit funny and just hadn't ever known it.*

*While this comment may seem benign when taken in isolation, or because it was given as "girl to girl" tip. This type of comment deteriorates one's confidence so that they will stop standing up for themselves and for things they believe are right. They are meant to undermine one's positive feelings about oneself.*

*This is me, standing up to stop this type of treatment.*

*I was elected to do the work of the selectboard, and this type of disrespectful comment is a distraction from that work. When people are disrespectful in our political discourse, it hinders the ability of people to have a thoughtful conversation about an issue. It also hinders the effectiveness of the board because it changes the discussion from the issues at hand to things of a personal nature which have no bearing.*

*Selectboard members, town officials, and town office staff have been receiving emails, comments, and messages about their character appearance, and gender, that are absolutely inappropriate and have no place in polite political discourse. These comments often violate our statement of equity. Comments of this nature are counter-productive to the work of the selectboard."*

#### **4. Recurring Matters**

##### ***a. Approval of Select Board Meeting Minutes – August 26, 2024***

**Motion** by Heather Nelson/Ralph Ethier to approve the Select Board minutes of August 26, 2024. **The motion passed unanimously.**

##### ***b. FY2023/2024 Warrant – September 9, 2024 - \$7,908.75***

##### ***c. FY2024/2025 Warrant – September 9, 2024 - \$194,119.73***

**Motion** by Tim Guiles/Brian Coolidge to approve the warrants of September 9, 2024, in the amount of \$7,908.75 and \$194,119.73. **The motion passed unanimously.**

Doug Bailey advised that the smaller warrant was for appropriation payments and there was a FEMA buyout in the larger warrant. Heather Nelson noted that the FEMA buyout is from the federal government and is a pass through.

#### **5. 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 stated for anyone interested in reviewing the four comprehensive energy audits for key buildings in Town relating to the Municipal Energy Resilience Program, they can be viewed on the Town's website. The Energy Committee is working on grants to implement recommendations made.

Mr. Hopkins reviewed the meetings for the remainder of September that included the Budget Committee meeting next Monday, the second regular Select Board meeting on the 23<sup>rd</sup>, and the second Budget Committee meeting on the 30<sup>th</sup>.

Last Friday Mr. Hopkins met with Tom Markowski and Mr. Moore regarding the waterfall. Mr. Hopkins advised the options for the waterfall would be: 1. Removal of the dam leaving natural ledge that is potential for State funding, 2. Restore the appearance of the waterfall and remove the vegetation, and 3. Repair of the dam and removing the silt to restore its ability to work.

On Saturday Mr. Hopkins met with Morton Building in Castleton regarding the highway barn. There will be choices for procurement and whether the Town wants to specify a Morton building. The .gov pilot modules are functioning and there has been some use. Mr. Hopkins plans to announce all three on FPF and add to Town's Facebook page. The three modules are: Report of Concern that is on the Contact Us menu to alert the Town of matters that need attention and is location based. Examples could be an issue with a sidewalk, or low hanging branches. The submissions will come to the Town and will be addressed when the budget allows. The second is the land use application that is on the Zoning/Planning page. This will be for residents who want to make a change like an addition, change of use, etc. of a property. It is a comprehensive form for the Town. One feature is to put the address in and much of the information populates and if there is something missing, the form will not be submitted until it is complete. The third module is a rental housing registration. Landlords have to comply to the rental housing codes and are required to submit an application annually. Mr. Hopkins noted that Larry Stevens is the Rental Housing Administrator, Health Officer, and Zoning Administrator for the Town.

Barry Varian asked if the repair to the upper falls was due to it being in disrepair. Seth Hopkins stated the dam is in poor condition but is not an issue and the restoration would be for aesthetics. Mr. Varian stated the waterfall is a value to the Town. Mr. Hopkins stated the Select Board will determine what they would like to do about the waterfall but the only option for State funding is removing the dam. Sue Gage stated the insurance is cancelling coverage for any damage of the dam failing.

Jan Coolidge stated in reviewing the Energy Committee's information on the town hall, she saw many inaccuracies and their data for heating and cooling will not be correct as the usage is way off. Mr. Hopkins advised there was a meeting with the RRPC regarding their recommendations for improvements and for the town hall, they suggested tightening the windows. For heat and ventilation, they suggested moving towards battery-backup and solar and there is potential at the wastewater plant. Progress is continuing in making the buildings accessible through ADA compliance.

Stephane Jerome asked if the rental registry included short-term rentals. Mr. Hopkins advised that it does not include short-term rentals and is more for occupancy. The Select Board could consider a short-term rental policy but currently there is not one.

Mr. Hopkins reported the Town Staff and Select Board have new email addresses that are first initial, last name @brandonvermont.gov. The old addresses will continue to work for a couple of years.

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

Rec fall season is in full swing. 130+ soccer, 67+ football, and 11 cheerleaders have started practicing.

The first Lego League Robotics program starts this week and there is only one spot left unclaimed for the 12-person team that will meet all fall and compete in December.

Ms. Michaela Dance has 9 different classes that are open for enrollment including a multi-discipline adult class that meets at the former Pilar Pilates space on Rossiter Street.

The cultural celebration, Eagle PowWow will be held at Estabrook on September 20 – 22, a Native American powwow gathering. All are welcome. There will be sacred fire vendors, dancers, story tellers, drums, and flute players. All welcome as this is a great educational learning experience. This is an outside organization that is using the park area.

More Estabrook News – The Drive-in is being reopened thanks to some fundraising efforts. Titles to be shown: October 4 – Nightmare Before Christmas/Nightmare on Elm Street, October 5 – Hocus Pocus/Friday the 13<sup>th</sup> and October 6 – The Shining.

Mr. Moore noted he has a lot of roles, having been Rec Director for 12 years and he is making a move towards community development. Mr. Moore reported there has been a public concern meeting regarding the Forest Dale connector scoping study. There is a website that has the presentation from Dubois and King, community@brandonvermont.gov, and additional comments can be provided. Thanks to all who participated in the meeting. Additional meetings will be held.

There was a demolition prebid meeting for 110 Newton Road with bids to close Friday. The Select Board will choose the vendor on Monday. A Parking Committee meeting was held to identify and provide ideas about parking concerns. Additional comments can be provided to the Committee.

Mr. Moore, as Municipal Project Manager, provided an update on the Union Street project as requested by the Select Board. VTrans is currently reviewing the project with the hopes that approval will be received soon. The right-of-way negotiations for residents could take four months. The final plan specifications should be delivered February 2025 with the bid phase to be completed by May 2025 and construction to take place July to November 2025.

Heather Nelson noted soccer is off to a strong start. Mr. Moore stated it is due to the work of the volunteers.

Doug Bailey stated it is good to see people visiting Brandon and it is nice that the Town is a destination for visitors. Mr. Moore noted our volunteer gardeners and the Buildings and Grounds crew are doing a wonderful job of making the Town beautiful.

## **7. Letter of Support for Two Swamp Lots to be added to Brandon Swamp WMA**

Seth Hopkins advised that Joan Allen, conservation consultant, was present to discuss permanent conservation of some lots. Ms. Allen stated Robert and Carol Parker own two lots that they would like to sell to the Vermont Department of Fish and Wildlife that are part of properties that they had purchased through a tax sale. They are ready to sell them and have accepted the Fish and Wildlife Department's offer. The first is a 13-acre lot on the north side of Route 73 and is abutting several lots recently purchased by the Fish and Wildlife Department. It does not have public access or deeded access that is typical of some swamp lots they have purchased. The other parcel is 12.7 acres on the south side of the creek along the Sudbury town line. There is confusion about the size and configuration of this lot as one map shows it is 12.7 acres, but the tax map indicates it is 17.5 acres and a much different configuration which will have to be clarified prior to closing. Currently the assumption is the lot is 12.7 acres. Like previous purchases, the lots will remain on the tax roll and will be managed by the Fish and Wildlife Department. They will be open to the public for various uses like birding and hunting.

**Motion** by Tim Guiles/Heather Nelson to provide a letter of support for the request of the two lots to be added to the Brandon swamp. **The motion passed unanimously.**

Doug Bailey noted the Town has done many of these requests in the past and are pieces of land that cannot be built on and are only for the public's use. These parcels are off Route 73 between Brandon and Sudbury in the middle of the swamp.

## **8. Public Comment and Participation**

Doug Bailey reported the first budget meeting will be next Monday that will be a discussion with the police Department and Town Management. There will not be a spreadsheet, just verbal discussion. A Zoom option will be available for the meeting.

Heather Nelson reported she received an email from a Brandon resident with concern about the intersection between Park Street and Marble Street. The resident indicated they have recently moved to that end of town and is concerned with the intersection having only a 3-way stop and the speed limit variations. Tim Guiles noted it is a state road. Seth Hopkins suggested he could ask VTrans about another study noting there had been a traffic study done and the State did not recommend a 4<sup>th</sup> stop sign and some people thought that it would create more noise. He will also speak to the Police Chief about the speed limits as there might be more success with the speed limit inconsistencies. Ms. Nelson appreciated another inquiry to VTrans.

Sue Gage noted Luanne Merkert is in her 24<sup>th</sup> year of employment with the Town and thanked Luanne for her service. Ms. Gage stated the Secretary of State's office has pulled the mailing list for the general election ballots and people should be receiving them by the end of September/first part of October. Anyone who has not received one by that time can contact Ms. Gage. The election is scheduled for November 5<sup>th</sup>.

Cecil Reniche-Smith stated with regard to the Park/Marble intersection, in going out of Town on Park Street, the stop sign is obscured by vegetation and she has seen more than one vehicle go through the stop sign. She also noted there is a sign on Route 7 when coming south from Middlebury where the sign indicates the speed will go down to 40mph, but the next sign indicates 35mph. Barry Varian stated with the 3-way stop sign issue, if there are limitations with what is allowable, the Town has to strive to do what is responsible and it needs to be fixed. Heather Nelson suggested with the recent changes in the traffic patterns in Town that another traffic study may be warranted. Steven Jupiter noted he lives at the intersection and echoed the sentiments. He has seen only one accident at the intersection, but many near accidents. He stated that people coming from Park Street may not see the sign about the 3-way stop and suggested making the sign bigger that indicates there is no stop sign coming from the east and possibly another sign could be added on Park Street. Judy Bunde stated the last time the Town had this discussion there was no signage indicating a 3-way stop. The Town installed the 3-way stop sign and subsequently they put in the signs that have more information that she thinks is helpful. Seth Hopkins advised Marble Street is owned by the Town but the stop signs are owned by the State. If the Town has traffic signs that are not provided by the State, they are not enforceable. Mr. Hopkins will inquire to VTrans on this subject.

Tricia Welch was appalled by the email that Ms. Nelson received and apologized to her as a resident of the Town. She hoped that the Town will not need an inclusion statement in the future and this was inexcusable.

The Select Board recessed at 7:52PM.

The Select Board reconvened at 8:00PM.

**Motion** by Tim Guiles/Brian Coolidge to enter into executive session at 8:01PM regarding the appointment or employment or evaluation of a public officer or employee per 1 V.S.A.313(3)(a)(3) to include the Town Manager. **The motion passed unanimously.**

## **8. Executive Session**

The Board came out of executive session at 9:05PM. There was no action required.

## **9. Adjournment**

**Motion** by Brian Coolidge/Heather Nelson to adjourn the Select Board meeting at 9:05PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary