

**Brandon Select Board Meeting
February 24, 2025**

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, Jan Coolidge, Steven Jupiter, Jeff Haylon, Barry Varian, Joe Bertrand, Karen Rhodes, Billy Bullock, Gary Levitt, Vicki Disorda, Claire Astone, Patrick Snow, Charles Knox, Joelle Logan, Ken Manning Cecil Reniche-Smith, Lisa Curcio, Nick Curcio, Dorothea Langevin, Steve Bissette, Ray Marcoux

Others by Zoom: Keith Whitcomb, Neil Silins, Tricia Welch, Jack Schneider, Rose, Joan

1. Call to Order

The meeting was called to order at 7:04PM by Doug Bailey – Board Chair.

a. Agenda Adoption

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

Item 6 – OCCUD Board appointment cancelled from the agenda as the alternate candidate has removed their name for consideration.

2. Select Board Remarks

Doug Bailey stated as noted in previous meetings, he asked all to be nice whether talking to the Board or other community members. He also stated the Board Chair will call people to the podium for comments to be part of the recorded meeting minutes. Mr. Bailey advised this is the last meeting for Heather Nelson and Tim Guiles. Mr. Guiles has been on the Board for 6 years and Ms. Nelson has been a member for 1.5 years. Ralph Ethier is also at the end of his term and will be running for re-election. Mr. Bailey extended his appreciation for the work that Mr. Guiles and Ms. Nelson have done on the Board and noted they will be missed.

Heather Nelson wished to remind everyone that all were at the meeting with the same goal and some may have different ideas, but she believes that everyone's intentions are for the good of the Town. Ms. Nelson noted she has enjoyed her time on the Board and may run again sometime in the future.

3. Recurring Matter

a. Approval of Select Board Meeting Minutes – February 10, 2025

Motion by Brian Coolidge/Ralph Ethier to approve the Select Board minutes of February 10, 2025. **The motion passed unanimously.**

b. Warrant – February 24, 2025 - \$1,507,924.21

Motion by Tim Guiles/Ralph Ethier to approve the warrants of February 24, 2025, in the amount of \$1,507,924.21. **The motion passed unanimously.**

It was noted this includes the School District's pass-through, some appropriations and the normal bills.

4. 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 provided the following highlights from his report. The annual town meeting will be held next Monday night at the Town Hall beginning at 7PM. The floor agenda will include the Select Board presenting the proposed budget and a floor vote on continued tax exemption for the senior center. The budget vote, election of officers and appropriations will be by paper ballot at the American Legion on Tuesday. The Town received the net quarterly local option tax payment in the amount of \$86,153, that is the largest February payment received and is \$20,000 more than last February. Mr. Hopkins also wished to thank Mr. Guiles and Ms. Nelson for their terms of service on the Select Board.

Doug Bailey stated people shopped in Brandon over the holiday for the 1% option tax to be that high and is a very good sign. Mr. Bailey requested an update on the delinquent property taxes. Seth Hopkins reported the number of properties that are now at the Town's attorney for collection is 75. The initial list was given to the attorney and returned to the Town with questions. Jackie Savelle provided a response to the attorney and the letters will now be sent to the property owners to either create a payment plan or pay their taxes to avoid a tax sale.

5. Community Development Report

Seth Hopkins reviewed Bill Moore's report that is available for viewing in the Board packet on the Town's website.

"An ongoing Baseball/softball clinic with Otter Valley and Pittsford Rec registration is open. Starting on Sunday, March 30th, youth in grades 3 - 6 will work with OVUHS varsity players and coaches to prepare for the upcoming seasons.

The next themed Brandon Idol Concert, "Year they were born" will be held on March 14th. Doors open at 6:30 with the show starting at 7pm.

Sunday skating at Neshobe is an opportunity to roller skate/blade with music. Runs 1:00 - 3:00 and will continue until the 1st week of April.

The Brandon Independence Day Celebration Committee is looking for some volunteer help with vendors, donations, and parade support. Please reach out to help with the July 5th celebration.

Wednesday nights 6:00- 8:00 is the indoor disc golf putting league, which is held upstairs in the town hall. Commissioner Cory Barron will oversee this program through the end of March.

The Vermont Council on Rural Development reached out to confirm that they have approved doing a community visit, likely starting January of 2026. This is a way for towns to engage and bring together residents, set common goals and directions in a neutral and facilitated structure, and access resources that will help them take action on those goals.

Claire Astone asked if there is a procedure for assisting people with payment of their taxes. Seth Hopkins stated it could be a direct contribution to the taxpayer or anyone can put money on a tax bill without the property owner's permission at the Town Office. Ms. Astone asked if it is possible to see a list of the properties that are at risk. Mr. Hopkins advised there is a public list that is compiled with property names that used to be published in the Town Report. The list can be provided to the Town Clerk for the public's viewing.

6. Consider Appointment of Alternate for OCCUD Board

This agenda item was cancelled due to the withdrawal of the interested party for the appointment.

7. Consider BRIC Scoping Grant for Floodplain Restoration Requesting 25% Town Match

Seth Hopkins advised the Building Resilient Infrastructure and Communities (BRIC) grant program was in the Board's information for consideration. There is a planning/scoping grant available and one area for consideration is for hazard

mitigation. The Town had sent possibilities for the grant that included floodplain restoration on either side of Union Street and Pearl Street, and a third area was Newton Road as recent buyouts on Newton Road have made restoration a possibility. The grant is a 25% town match and 75% federal funding that could be a commitment up to \$25,000 to do a plan or scope done. The RRPC is ready to help with this and the application deadline is the end of February. The funds are only for a plan and the availability of funds for construction is not certain.

Motion by Brian Coolidge/Doug Bailey to decline the BRIC scoping grant.

Tim Guiles stated the Town has done a lot with leveraging federal funds and it is worth weighing the benefit and allowing the government to pick up the larger amount. Heather Nelson asked if this would impact future FEMA funds and Mr. Hopkins did not think so as this is to create a plan for a project that would help to avoid future flood damage and other infrastructure damage. Brian Coolidge noted not knowing if there would be federal money for a project, he would rather spend the funds elsewhere. Mr. Hopkins stated it is not certain if there is implementation or construction funding available. For Union Street or Pearl Street, it would be a mini version of Champlain Street in putting culverts in the road. Mr. Hopkins is not sure what the recommendations could be for Newton Road. Doug Bailey was concerned that other times that a scoping study was done, it was so expensive that it could have been done by the Town at a lesser cost and suggested the funds could be used to put culverts on Union Street and Pearl Street, and the State has indicated there are many things that the Town cannot do on Newton Road. Mr. Hopkins stated the Town would put up 100% of the funds and would receive 75% back. Jan Coolidge stated with the 25% match, what happens if the Town decides that the project is not going to be done. Mr. Hopkins advised it is just a scoping grant and they only require that the plan gets engineered. Charles Knox stated with regard to Union Street, one would have to build the road up almost five feet due to Otter Creek. Neil Silins stated he is hesitant to see the Town pay all up front. Mr. Hopkins advised that is how every grant is handled, except for the ARPA grants. Heather Nelson stated it feels too unpredictable to risk that amount of money for projects that the Town may not be able to afford.

The motion passed with one opposed – Tim Guiles.

8. Consider Interim Procedure for Ethics Complaints

Heather Nelson stated when taking the ethics course, she did not think it is named correctly, as the discussion was only about conflicts of interest. Doug Bailey, Seth Hopkins, and she worked on a document that includes a flow chart for following the process. Vermont provided what the roles are to be and this document is considered an interim procedure. There is a model for the complaint form that one can submit anonymously or with a name. The remainder of the form discusses who the complaint is against, the alleged allegation and which law or rule is applicable. When someone wants to submit a complaint, the flow chart provides the process. When a person would like to submit a complaint, they can submit it to the Select Board and if one wishes for the complaint to be anonymous, they can submit it to the State. The State would consider whether it is a valid complaint and would then respond to the Select Board. If the complaint is submitted to the Select Board, if against a member of town staff it would go to the Town Manager, if it against an elected or appointed official it would be received by the Select Board to be determined if the code of ethics has been alleged and if determined it meets the criteria of code of ethics, the Select Board would investigate in executive session and announce a decision in public session. If there is a complaint and the Select Board determines in public session the complaint does not meet the criteria, no further action would be taken. The majority of this work was discussion about how to maintain confidentiality. The Board wants to assure the privacy of both the person submitting the complaint and the person the complaint is about while having as much transparency as possible. The form also indicates whether it is a repeat complaint to know what is different each time. Doug Bailey noted Ms. Nelson did a great job in creating the document as there has to be a process of what is to be done and is considered an interim policy. They have checked with numerous other towns and no one has had any actions yet. Tim Guiles stated there seems to be a disconnect between privacy and anonymity and he did not see the reason for anonymity and he would like to see that reflected in the policy. It was noted that one town's policy that was reviewed would not accept anonymous complaints. There was also the question of how many Select Board members would require a complaint to move forward and it was decided that it would need to be more than one, but not a majority. Mr. Bailey stated it is assumed that a complaint about an employee will go to the Town Manager, but if it is a complaint about a Select Board member, that person would have to recuse themselves.

Neil Silins thanked all who worked on the process and agreed with Mr. Guiles' statement as it is a good distinction. An anonymous complaint raises the potential for bullying and that could be destructive. Mr. Silins asked with the State's ethics rules around conflict of interest whether the Town would consider expanding the areas. Mr. Bailey advised the State's requirement was this is the minimum but towns could do more. Mr. Bailey suggested starting out with the minimum and going from there. He noted the Town does things in the open and there have not been many conflicts of interest in the past.

Ralph Ethier suggested if an anonymous complaint was determined to be a valid ethics violation, the person would then need to be named. Mr. Bailey suggested the document could either be adopted at this meeting or revisions could be made and adopted at a subsequent meeting. Seth Hopkins suggested the document could be edited and adopted at this meeting. Mr. Hopkins currently has a pending ethics complaint and is awaiting the Board's decision on establishing a procedure. Brian Coolidge suggested it is a work in progress and it could either be edited at this meeting or wait until the next meeting with the new Board. Ms. Nelson noted she could see both sides of whether or not to allow anonymous complaints. Mr. Guiles noted not allowing anonymous complaints is not denying anyone from submitting a complaint, as the complaint could be submitted directly to the State. Claire Astone stated confidentiality is different and the person that creates the complaint could sign their name but not want their name or complaint publicized. It should be like whistle blower protection. Mr. Hopkins stated what Ms. Astone outlined is how a submission to the State is set up and is all confidential until it is submitted to the Select Board and they would receive it in an executive session. Heather Nelson suggested the document indicate an anonymous complaint is not allowed.

Motion by Heather Nelson/Tim Guiles to edit the Town's Municipal Code of Ethics and Compliant form to only accept complaints with a name. **The motion passed unanimously.**

Heather Nelson stated if someone wants to fill out a complaint form, there are people at the Town Office or a Select Board member who could assist in completing the form. Seth Hopkins clarified that the allegation the Town has received to be on the Select Board's next meeting agenda for executive session did not disclose a name. Mr. Hopkins noted the person submitting the complaint had also sent the complaint to the State. Mr. Hopkins noted if the Board wants to wait for the State to refer the complaint to the Town it will be confidential, if the Select Board chooses to act on it, it will not be confidential. Heather Nelson stated if it was submitted to the State, the Select Board would not be controlling it and did not think the Select Board should not be acting on it. Mr. Hopkins noted he will communicate that the Select Board will wait for the review from the State.

9. Public Comment and Participation

Jan Coolidge stated last Thursday she attended an event at 6:00PM and noted concern with cars parked illegally to the edge of the bridge. This concern has been mentioned before and Ms. Coolidge asked if there is a plan to address it. Seth Hopkins advised he has discussed this subject with Jeremy Disorda and there is a plan to consult with VTrans and affix no parking signs on the bridge.

Neil Silins read the following:

"I am submitting this as a private citizen for discussion. It is my understanding that Brandon has a town forest, which was set aside for the benefit of the town and townspeople. While some forest resources have been contracted to one or more individuals, apparently access is by private agreements with some surrounding property owners.

There does not seem to be public access and I'm not sure that most townspeople are aware of the forests existence or location. I submit that this property is in fact public property, and public access should be made by legal and binding easements or the like where necessary. Additionally, an inventory of resources should be taken to evaluate their nature and quantities."

Seth Hopkins stated he could not make recommendations at this time but could take it under advisement. Mr. Hopkins is aware of some past research regarding access and he will review the research and consult with the person who has the lease on the town forest and timber harvesting. Tim Guiles stated this subject had been brought up on occasion over the past six years he has been on the Board and noted it is hard to access. There is a forester who does work with the timber. Mr. Guiles

would like to help with making it more accessible for citizens to make good use of the forest. Neil Silins noted he would also be willing to work on this project.

Patrick Snow requested that next time there is a snowstorm that the sidewalks between the post office and the bridge in front of the town office be cleared. He has been a shut in for two weeks due to the storms. On the clearer side of the road, he has been stuck several times and had to have someone stop traffic for him to make his way home. Heather Nelson stated this is on the Town's radar. Doug Bailey stated it is noted the Town needs to do a better job on clearing the sidewalks. Cecil Reniche-Smith stated that particular stretch of sidewalk between the post office and the bridge is always in the shade and the ice was very thick. It is treacherous for everyone and suggested something needs to be done. Mr. Bailey noted that Mr. Hopkins and he have also talked to the business owners about doing a better job of clearing the sidewalks in front of their businesses.

The Select Board recessed at 8:07PM.

The Select Board reconvened at 8:13PM.

Motion by Tim Guiles/Brian Coolidge 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 Tim Guiles/Heather Nelson to enter into executive session at 8:14PM to discuss the Town's pending labor relation agreement with New England Police Benevolent Association Local 422, per 1 V.S.A. § 313(a)(1)(b) for labor relations agreements with employees to include the Town Manager. **The motion passed unanimously.**

11. Executive Session

The Board came out of executive session at 8:48PM. There were no actions required.

12. Adjournment

Motion by Brian Coolidge/Ralph Ethier to adjourn the Select Board meeting at 8:49PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary