

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

**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, Cecil Reniche-Smith, Jeff Haylon

**Others In Attendance:** Seth Hopkins, Bill Moore, Billy Bullock, Jan Coolidge, Steven Jupiter, Ken Manning, Brent Buehler, Gerad Lowell, Robin Douglas, Tom White, Barbara White, Serge Cotnoir, Vicki Disorda, Claire Astone, Kevin Thornton, Chris Conlin

**Others by Zoom:** Keith Whitcomb, Neil Silins, Thomas Kilpeck, Elana Sadlon, Adam Murach, Todd Nielsen, Jim Leary, Jack Schneider, Tom Kilpeck, Bruce Jenson

**1. Call to order**

The meeting was called to order by Doug Bailey at 6:45PM.

**a) Agenda Adoption – Motion** by Jeff Haylon/Cecil Reniche-Smith to adopt the agenda. **The motion passed unanimously.**

**Motion** by Jeff Haylon/Cecil Reniche-Smith to enter into executive session at 6:45PM regarding 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 Serge Cotnoir. **The motion passed unanimously.**

**2. Executive Session**

The Board came out of executive session at 7:00PM. There was no actions required.

**The Board recessed the Select Board meeting to reconvene as the Cannabis Control Board at 7:00PM.**

**The Board reconvened the Select Board meeting at 7:05PM.**

**3. Select Board Members' Remarks**

Doug Bailey asked anyone who wished to speak to be polite and respectful to all. Anyone wishing to speak was also asked to come to the podium.

**4. Recurring Matters**

**a) Select Board Minutes – March 10, 2025**

**Motion** by Cecil Reniche-Smith/Jeff Haylon to approve the minutes of March 10, 2025. **The motion passed unanimously.**

**b) Warrant – March 24, 2025 - \$174,281.28**

**Motion** by Jeff Haylon/Ralph Ethier to approve the warrant in the amount of \$174,281.28. **The motion passed unanimously.**

Cecil Reniche-Smith asked about the \$580.00 service call for Access Mobility. Seth Hopkins reported it is the platform lift at the town office that had passed the annual inspection and in weeks after had required service. They said it was a wear item and they were able to repair it but recommended replacing it if it needs repair again.

Doug Bailey asked about McCullough Brothers Tree Removal. Bill Moore advised this was for a tree on Park Street and work on Steinberg Road and North Birch Road and were trees that the Tree Warden had identified. It was noted that three estimates were not obtained but they did as many trees as they could do in three days.

### *c) Updated Employee Blanket Payroll Authorization*

**Motion** by Brian Coolidge/Cecil Reniche-Smith to approve the updated employee blanket payroll authorization. **The motion passed unanimously.**

Seth Hopkins reported the changes included adding Cara Boudreau, operator-in-training at the Wastewater Treatment plant, retention/merit raise for Winston Forbes (CDL, HWY); retention/merit raise for Kyle Leedom (CDL, HWY) and retention/merit/contract raise for Ethan Kelleher (police officer).

### **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 reported there are two vacancies on the BRAVO Advisory Board. Mr. Hopkins announced the Town has been awarded a \$15,600 grant as part of the VTrans Better Roads program and the Town's match will come from staff time. The Historic Preservation Commission is applying for a grant to update the Brandon Workbook. Mr. Hopkins attended the Fire District meeting and reported they voted to accept the solar credits. Mr. Hopkins has reached out to the bus vendors with regard to the bus shelter to see if modifications can be made to take advantage of the Park and Ride shelter. Mr. Hopkins noted that Sue Gage did a good job balancing and analyzing the funding for the wastewater treatment plant upgrade. The project cost \$6,720,092.94 and there was a voter-approved bond, USDA bond and contributions from rate payers. The local responsibility will be less than 60% of the total project cost and is the largest project the Town has undertaken since Segment 6. The project spanned three town managers, two wastewater treatment system chief operators and called upon the expertise of a team of engineers at Aldrich & Elliott and State of Vermont officials. The contractor was Naylor/Breen. Brandon is investing to ensure the wastewater treatment is in compliance with State and Federal environmental regulations for the protection of both public health and the waterways of Vermont. An open house will be scheduled in the future. There was a series of interviews for the wastewater treatment opening and Cara Boudreau will be an operator-in-training. Mr. Hopkins reported he has talked with the town attorney and the tax sale letter was drafted and approved with several people to receive letters. He had outreach from Spardella Slate and the re-slating of the town hall will begin in May and will work with access restrictions.

Cecil Reniche-Smith asked if there was anywhere that would be suitable for a shelter for the busses if a private interest would like to fund it. There was a discussion with The Bus and the highest volume is Central Park and it is not sure a shelter there could be optimally situated. Bill Moore stated Tri-Valley Transit comes through Brandon and stops at the same four locations: the Post Office, Estabrook Park, Park Village, and Central Park. They were going over the numbers to determine which stop is the busiest and will connect with Marble Valley Transit. Between the two, perhaps the Post Office. There is the possibility to move a stop to where there is already a shelter near Dunkins, but Hannafords is not a stop.

Ralph Ethier asked about the wastewater treatment part that failed. Seth Hopkins stated there are three clarifiers and all have the part in them and two of them failed. One will be repaired and the other is a more substantial repair and will take more consideration. The wastewater treatment plant can run 100% with two clarifiers.

Jeff Haylon requested an update on the road salt inventory. Seth Hopkins reported there was a delivery of salt and no other will be purchased at this time.

Brian Coolidge asked who the Town's attorney is. It was noted that the attorney is Jim Carroll of Carroll, Boe and Kite.

Doug Bailey noted in reviewing the general ledger, the Town has exceeded the annual revenue and the expense side is looking good.

Tom Manning questioned the status of the delinquent taxpayer letter. Seth Hopkins reported the attorney started working on the letter when the statute read a certain way and after January 1<sup>st</sup>, they had to go according to the new statute to be sure they were sending an accurate letter with interest and penalties. During this time, the Town has generated delinquent tax notices.

Mr. Manning asked if anyone has made an effort to contact the Town. Mr. Hopkins reported some agreements have been made with bringing taxes up to date within a year.

Vicki Disorda asked what other functions the town's attorney does. Seth Hopkins noted this is an attorney the Town uses instead of a staff attorney for specific things. The Town first contacts VLCT, which provides a number of staff attorney hours. Ms. Disorda asked if it is just the Town Manager or also the elected officials who could use the attorney. Mr. Hopkins stated the Select Board could choose to use the town's attorney or go to the VLCT. Cecil Reniche-Smith stated it would be the Select Board as an entity and noted if one is an elected official who is being sued, they can rely on the services of an attorney of the town, but if they are sued in a personal capacity, they would rely on their own attorney. Mr. Hopkins noted the Trustees are independently elected and they could choose another attorney as they fund their own operation. The Select Board would be from the legal services line of the Town, but the Trustees pay from the income of the trust. Claire Astone asked who has oversight over the Trust as in reading the will, there are points on how the funds were intended to be spent and Ms. Astone asked who oversees that. Cecil Reniche-Smith stated there is a state statute that anytime funds are directed through a bequest or a non-federal grant that the Town has not sought, there has to be a three-member Board of Public Funds elected to officiate over the grant. When Shirley Farr made her bequest, there were three trustees and they serve certain terms and are elected on town meeting day. They are elected officials and separate from the Select Board and the Select Board has no control over what they do. The Trustees of Public Funds are the ones to ask and currently their meetings are held in a private headquarters and the Select Board would like them to have them in a public meeting area. Ms. Astone asked how they operate. Ms. Reniche-Smith stated it is assumed they act in good faith and if not, there needs to be some follow-up. Seth Hopkins stated they have a report in the Town Report Book that is a summary of the requests they have received, the interest and the principle. They are accountable to the voters and if the voters want to find out more details, Mr. Hopkins suggested communicating with them prior to one of their meetings.

Brent Buehler asked if the wastewater treatment plant repairs are under warranty and Mr. Hopkins confirmed that they are.

Billy Bullock stated at a past meeting there was discussion about painting the crosswalk lines. Seth Hopkins advised it is not warm enough and this has to wait until spring. Mr. Bullock stated he witnessed people not stopping for the crosswalks. Mr. Hopkins stated there was an effort to put cones in the road and that was not successful. There is a plan to paint the crosswalks. Tom White stated Middlebury uses flags at the rotary. Mr. Hopkins stated that had been suggested and Jeremy Disorda is looking into this. Cecil Reniche-Smith asked if there has been discussion of doing a diagonal crosswalk from the town office to the town hall. Mr. Hopkins was not aware of this as it was not part of the original design but will inquire why there is not one there and will advise the Board.

Tom Manning asked how much the Town paid the attorney for the tax letters. Mr. Hopkins noted the Town has spent \$229 since July but has not received a recent bill from the attorney.

## **6. Community Development Report**

Bill Moore provided the following Community Development Report:

*"Robin Douglas started as the Rec Assistant. She will be working to support all recreational programs.*

*Basketball has ended. Special thanks to all volunteer coaches.*

*March 27<sup>th</sup> is the deadline for baseball/softball registration for grades 3 - 6. Grades Pre-k - 2 deadlines are April 10<sup>th</sup>.*

*March 30<sup>th</sup> there will be a spring equipment swap being held in collaboration with Otter Valley and the Pittsford Rec from 9:30 - 11:00AM in the gym lobby at the high school.*

*March 30<sup>th</sup> will also mark the first of 4 baseball/softball clinics for youth in grades 3 - 6. A great way to work with OV Varsity athletes to prepare for the upcoming seasons.*

*Kids Idol registration has only 4 spots left for the April 4<sup>th</sup> concert. The winner will perform at the Brandon Idol finale on May 16<sup>th</sup>.*

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*Brandon Idol "Classic Rock" concert is to be held on April 11th. Doors open at 6:30, show at 7:00.*

*Swimming lesson registration will open on April 1st (No fooling). Three 1-week sessions starting in June to be held at the Brandon Inn.*

*Vendor Application Registration is open for the July 5th Brandon Independence Day Celebration. Spots will fill fast."*

Mr. Moore also noted on March 29<sup>th</sup> Electric Bear will be performing and this will be a free concert sponsored by Red Clover. Mr. Moore also noted that the Town is in the midst of a scoping study for the connector path and are doing outreach to landowners who will be receiving an invitation to fill out a survey. This was funded by way of a grant and approved local option tax funds to see where the path would go and what the cost would be. Mr. Moore noted this is not a commitment for future funding.

Mr. Moore noted when outside vendors rent the town hall, they bring their own insurance and it is a straight rental. The Friends of the Town Hall had come up with a rental structure and this could be revisited now that the Town is managing the town hall year-round but the Town wants to be sure that the space is being used. He noted there is also meeting space for rent and an office space is available.

## **7. Consider Appointment to the Energy Committee**

**Motion** by Jeff Haylon/Cecil Reniche-Smith to appoint Serge Cotnoir to the Energy Committee for an indefinite time. **The motion passed unanimously.**

Ms. Reniche-Smith and Mr. Bailey thanked Mr. Cotnoir for volunteering to serve on the Energy Committee.

## **8. Vermont 250<sup>th</sup> Anniversary Appointments**

Bill Moore reported in 2023 the State adopted a resolution to participate in the Vermont 250<sup>th</sup> Anniversary that will be next year. Seth Hopkins asked the high school if there was any interest in participating but no volunteers have responded. Kevin Thornton has a concept for the event and has reached out to Ellen Knapp and Sophie Moore to assist. It was noted this is not a regular committee and will disband after the celebration.

**Motion** by Brian Coolidge/Jeff Haylon to appoint Kevin Thornton, Ellen Knapp, and Sophie Moore as the Vermont 250<sup>th</sup> Anniversary Committee. **The motion passed unanimously.**

## **9. Consider Request to Close Park Street, Friday, May 2, 2025, 5:45PM to 6:30PM for Half-o-ween Witch Walk**

Bill Moore advised this is not a Brandon Rec event but is a Colleen Wright and Brandon Chamber event and is similar to the Zombie Walk event during the solar eclipse. The date is six months out from Halloween and would include closing Park Street for the group to walk from one end to the other, followed by an event behind the Brandon Inn.

Brian Coolidge asked if there is no other area to hold this and Mr. Moore stated the thought is to be part of the downtown area and Park Street would be close to the activities. Cecil Reniche-Smith asked if there has been outreach to the residents of Park Street about the closure. Mr. Moore stated it would be a 5:45PM closure and the parade would be 6:00PM. The Police Chief and the Fire Chief are agreeable to help. The closure would be from the top of Park Street to where it meets Route 7. The Fire Department would help close the street and assist with redirecting traffic. It would be volunteer work and the Town would not incur any cost. Mr. Moore advised the Chamber is also co-sponsoring and would take care of the insurance. Mr. Moore noted that no one complained about the Zombie Walk and some of the Park Street residents are involved in the planning of this event. Ms. Reniche-Smith asked about the first Saturday in May as there is a market in Central Park and it is the day that Green-up is doing their bag distribution and there is generally a dumpster in the area. Jim Leary advised the dumpster will be located at the transfer station and Mr. Leary will be handing out route assignments and bags from 8AM to 10AM and he would like to keep this in Central Park.

Doug Bailey stated for the closure of Park Street, there was a problem with the air stream event and he would like to have assurance the Park Street residents are in favor of this event. Mr. Moore stated the group went door to door with flyers and the organizer is Barbara Scribner of Park Street and it is quite different from the air stream event.

Jan Coolidge did not think this is a good idea as at some point the State is going to say no more road closures and questioned why this could not be done at Estabrook Park as the traffic would not be affected. Claire Astone asked where the trucks would be rerouted. Mr. Moore stated the trucks would be rerouted to High Street. Ms. Astone did not think it was a good idea due to the weight of the trucks. Tom Manning suggested using the sidewalks rather than closing the road.

Bill Moore stated this is a Chamber and Colleen Wright event and there are two Select Board meetings prior to this time and suggested reaching out to the Chamber, DBA and Colleen Wright for clarification.

**Motion** by Jeff Haylon/Cecil Reniche-Smith to table this discussion to a subsequent meeting. **The motion passed unanimously.**

## **10. Ratify Contract Modification with New England Police Benevolent Association**

Seth Hopkins reported the main goals of the work the Select Board and Town Management Team did was retention and recruitment. A contract modification has been agreed to starting with \$34/hour for a certified officer, credit for years of service for certified officers, and to extend the contract to June 30, 2028. Doug Bailey stated these proposed changes have been communicated and the Board could motion to accept.

**Motion** by Cecil Reniche-Smith/Jeff Haylon to ratify the memorandum of agreement with the New England Police Benevolent Association to make the changes as set by the Town Manager. **The motion passed unanimously.**

Vicki Disorda asked what the former hourly rate was and Mr. Hopkins advised it was \$26.91/hour.

Chris Conlin asked if they are going to be required to live locally. Seth Hopkins advised the Town can require them to live within the on-call distance that is a 45-minute response time to the police station. Doug Bailey stated our Police Chief lives a distance away, but that is not a contracted position.

## **11. Status of Open Ethics Complaint**

Cecil Reniche-Smith advised the Select Board received a complaint and the law requires the Board to investigate the complaint. There were questions on the procedure laid out for responding and the Board reached out to VLCT and State Ethics Board and were advised the Board is on its own to figure it out. The VLCT could offer general training they are working on and the Ethics Board can offer individual officials advice but said that they do not assist with the investigations. For that reason, the Select Board needs to figure out how to investigate it and ask the public for patience as the Board wants to give everyone involved due process. The complaint had to do with actions by elected officials not members of the Select Board and because they are separately elected, there is not much the Select Board can do even if a violation is found. It was noted that the legislature needs to rethink how this is done as the legislation provided is less than helpful and it is hoped the legislature figures this out as Brandon is not the only town struggling with this.

Vicki Disorda stated the Select Board is appointed as the Ethics Board and are acting in a different capacity and the other individuals have to answer to the Ethics Board. Doug Bailey stated the Select Board is trying to get guidance from the State and the first complaint is a complex scenario and there are different groups involved. Ms. Reniche-Smith stated each town's legislative Select Board is not necessarily an Ethics Board and the legislature does not talk about groups that are not under the Select Board's jurisdiction. Mr. Bailey stated the Select Board's jurisdiction would include town employees and appointed committees. Mr. Hopkins stated the town clerk, library trustees and moderator are not under their jurisdiction. Jeff Haylon noted the Brandon Library is not a municipal library and the State does provide authority over that. Cecil Reniche-Smith stated the statute does not tell how to deal with the code of ethics when they are not under the jurisdiction of the Select Board. Ms. Disorda thanked the Board Chair for bringing the Valley Community Center to the public's attention and noted that most of the school board members were concerned as they thought it was going to be voted on by Australian ballot.

Jan Coolidge asked if someone wants to make a complaint of the Trustees of Public Funds, who would they submit the complaint to. Cecil Reniche-Smith stated as of January 1<sup>st</sup>; they are required to do the conflict-of-interest training but she does not know whether they have done that. Mr. Hopkins advised following the Select Board's appointment, he sent a message to all people and advised all the link to the training and there is a deadline around September. There will be a list generated of who should have completed the training. Ms. Reniche-Smith stated the Select Board has received the complaint, but there are entities that are not under the jurisdiction of the Select Board and the Board is trying to figure out how to investigate it.

## **12. Public Comment and Participation**

Doug Bailey noted that the public comment section is an opportunity for the public to briefly share concerns not on the posted agenda, but the Select Board cannot act on them immediately but the concerns will be added to the public comment.

Barbara White read the following:

*“On April 5th from noon-2pm there will be an event in town at Central Park called Hands Off 2025. It is part of a National Day of Mobilization for those Americans who are angered by the actions of the President, Congress, and the billionaire Elon Musk.*

*In disagreement and frustration with the unconstitutional actions taken by this administration, people will be gathering in Central Park on the 5th as a group known as Indivisible Brandon.*

*This group is one of several hundred groups under the national group Indivisible. Go to Indivisible.org for more information.*

*A core principle behind all Indivisible and Hands Off events is a commitment to nonviolent action. We expect all participants to seek to de-escalate any potential confrontation with those who disagree with our values.*

*A de-escalation zoom training will be held on April 2nd. Press releases will be appearing in the local papers.*

*For more information google: Hands Off Indivisible Brandon. You may also email me at: barbara@indivisiblebrandon.org”*

Kevin Thornton thanked the Select Board for appointing the Vermont 250<sup>th</sup> Committee. He noted Brandon is unique in the U.S. with the formation of the Slavery Society and Flower Girls with Brandon having the only tradition of the Flower Girls that is uniquely important. Also, Brandon was where Thomas Davenport worked on electrical devices and was a visionary and believed that electrical power would be the most important power because it was clean. Brandon has national and world acclaim to historical performance and something special can be done for the 250<sup>th</sup> celebration. Mr. Thornton advised Ellen Knapp has preserved the tradition of the Flower Girls organization for over 40 years. Sophie Moore was a Flower Girl in 2014 and is interested in history and will make a wonderful addition to the Committee. Mr. Moore stated Tricia Welch has advised she was also interested in participating on the Committee.

Vicki Disorda asked the legal distinction between a village and a district. Seth Hopkins stated the town is the district and the village is not a legal designation. When talking to the State, Mr. Hopkins noted Brandon village is the spot where it is indicated the state highway begins and ends. Ms. Disorda asked if a person was in a position to benefit personally from their position and they chose not to use the town's attorney but a different attorney, would it be a conflict. Cecil Reniche-Smith stated if it is someone who is subject to the code of ethics and may have a conflict of interest or the appearance of one, they could consult their own attorney rather than a town's attorney. Ms. Reniche-Smith stated the decision of a person subject to the complaint, the statute lays out what the conflicts are and provides a flow chart, but whom they choose to consult is up to the person and it is not an ethical problem. The person has to decide based on the information they have and based on the State Ethics Board. If they decide that they don't have a conflict and are free to make the decision, it can be challenged, but consulting with their own private attorney is not a problem. Mr. Hopkins stated if a town official has need of legal counsel and choose to go to their own attorney, they personally incur that expense. Ms. Reniche-Smith stated one can also call the Ethics Committee and ask for advice. The Select Board is going to look to other towns to determine if they have other procedures.

Jan Coolidge stated a month ago she complained about cars parking on the bridge. She appreciates the signs on the bridge but noted there are still cars parking illegally and she witnessed someone parking illegally and advised them they were.

Brent Buehler stated Article 12 of Shirley Farr's will indicates the use was for proper sewage disposal or general use. It was noted the Trustees of Public Funds did an interpretation of the will and noted it was for sanitation improvements, wetlands, and water management. Mr. Buehler stated in looking back eight years he has not seen it used for sewage or sanitation and suggested the Town could request funds for these areas. He stated that these funds are not being used appropriately and that is a problem. Cecil Reniche-Smith asked if the Town has asked them for funds for mosquito spraying or sewage issues. Mr. Hopkins stated the Board has not asked the Trustees for any funds for sewage. Mr. Bailey noted that it is a good point and is worth considering.

Tom Manning stated he had a conversation with Mr. Moore who was going to call the Police Chief about his complaint. Mr. Moore advised he had not called the Chief that day and indicated he could reach out to him tomorrow or Mr. Manning could provide the information to the Police and fill out an affidavit. Mr. Manning noted there has to be something done with the traffic through Town and asked if only the police could change the traffic lights. Mr. Hopkins advised the lights are on a timer. Currently the library light is working on Daylight Savings Time and the other one is still in need of updating. Mr. Moore noted the Police Chief does patrols and Mr. Manning suggested on weekends when there is no police coverage that the Chief come in for a few hours. Mr. Hopkins advised the State Police suggested maximizing their hours and the weekend daytime hours have low activity and their advice was to do coverage Monday through Friday due to the call volume.

Neil Silins stated during the discussion of the Valley Community Center (VCC) that the Trustee of Public Funds paid \$20,000 for a feasibility study and this is outside the scope of what the will relates to. Mr. Silins asked if the Trustees have a legal responsibility to anyone. Seth Hopkins advised the Trustee's primary responsibility is to the voters. Cecil Reniche-Smith stated the text of that one provision has a catch all phrase and the Trustees may be interpreting it in a way that others may not be. Brent Buehler stated the \$20,000 was for a feasibility study and it was not done yet.

Vicki Disorda asked if the police officers that left are going to be contacted to offer their jobs back. Seth Hopkins advised the Police Chief has been in contact with the officers and the Town would be happy to have them back. Now that the memorandum has been ratified, further conversations can be had with the officers and the advertisement for the openings will be updated. Doug Bailey noted he did reach out to one of the officers but has not received a response. Neil Silins suggested when police officers are hired that they be integrated into the community with meet and greets or coffee hours as the benefits of the introductions will far outweigh the cost for the events.

**The Board recessed at 8:49 PM.**

**The Board reconvened at 9:01PM.**

**Motion** by Cecil Reniche-Smith/Brian Coolidge to enter into executive session at 9:02PM to include the Management Team to consider an ethics complaint per 1VSA 313(a)(3) regarding the evaluation of a public officer. **The motion passed unanimously.**

### **13. Executive Session**

The Board came out of executive session at 9:21PM.

**Motion** by Brian Coolidge/Ralph Ethier to appoint Cecil Reniche-Smith and Jeff Haylon as the working group to address the ongoing ethics complaint. **The motion passed unanimously.**

**Motion** by Cecil Reniche-Smith/Ralph Ethier to enter into executive session at 9:22PM to include the Town Management Team regarding the appointment or employment or evaluation of a public officer or employee in accordance with 1 V.S.A. (313) (a)(3). **The motion passed unanimously.**

### **14. Executive Session**

The Board came out of executive session at 9:50PM.

There were no actions required.

**15. Adjournment**

**Motion** by Brian Coolidge/Jeff Haylon to adjourn the Select Board meeting at 9:50PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary