

TRUSTEES OF PUBLIC FUNDS

**Trustees of Public Funds Meeting
May 1, 2025 8:30am
1 Conant Square, Brandon, VT 05733**

NOTE: These are amended minutes based on changes approved in the May 15, 2025 meeting.

Trustees of Public Funds in Attendance: Courtney Satz, Tanner Romano, and Laura Miner

Trustee of Public Funds Absent: None

Others in Attendance: Seth Hopkins, Bill Moore, Cecil Reniche-Smith, Jan Coolidge, Patricia Welch, Helyn Anderson, Billy Bullock, Ralph Ethier, Karen Rhodes, Claire Astone, Lindsay Romano, Doug Bailey, Janie Young, Jeff Haylon, Tom Whittaker, Carolyn Whittaker, Neil Silins, Vicki Disorda, Stephen Jupiter, Brent Beuhler

1 Call to order

The meeting was called to order at 8:30am by Tanner Romano.

Adopt Agenda as Posted or as Amended

Motion by Tanner Romano to adopt agenda as posted. Second by Courtney Satz. The motion carried with a vote of 3-0.

2 Approval of minutes of previous meeting

Motion by Laura Miner and second by Tanner Romano to approve the Trustees of Public Funds minutes of 02/20/25. The motion carried with a vote of 3-0.

3 Public Comment and Participation

- I. Town Manager, Seth Hopkins, addressed the board to propose the Trust cease to distribute funding from the trust unless the **Town of Brandon** itself, the legal entity that is the unit of local government, requests funding. Additionally, Mr. Hopkins proposed a fundamental reordering of the Trust of Public Funds.
 - II. Discussion was opened to the public for open comment and participation. The Trustees will compile additional information, historical context, and the requested documentation for public discussion at next meeting:
 1. Where can information on the Trust of Public Funds be found?
 2. What constituted the VCC award as being valid under the guidelines of the trust?
 3. Why was the award to the VCC "done secretly"?
 4. Can copies of the invoices for the feasibility study be provided?
 6. Please clarify the amount distributed to VCC. Was it \$10k or \$20k?
 7. Why have funds not been awarded to sewer-related projects?
 8. How will monies not distributed to sewer/sanitation be repaid to the Trust?
 9. Should the operational procedures of the TOPF be reviewed by the Attorney General of an Attorney who specializes in trusts in the state of Vermont?
 10. Why doesn't the TOPF notify and hold meetings in a public place and at a time more convenient to the entire public?
 11. Other than cemetery storm damage, can you explain how the other awards fall in line with the trust?
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4 New Business

I. Town of Brandon (Wastewater Treatment Facility) Funding Request

II. Brandon United Methodist Church (Bell Tower Remediation) Funding Request

A motion was made to place all applications on hold given the proposal brought forth by Mr. Hopkins. No action was taken on the above applications.

5 Next meeting

No next meeting has been scheduled.

7 Adjourn

Motion by Tanner Romano and second by Courtney Satz to adjourn. The motion carried with a vote of 3-0.

Meeting adjourned 9:00am.

Respectfully submitted,
Courtney Satz

TO Trustees of Public Funds of the Town of Brandon
DATE 1 May 2025
RE Shirley Farr Bequest to the Town of Brandon

Shirley Farr was a highly intelligent, well-educated woman who directed the establishment of a number of legacies as part of her final arrangements. As the wording appears on the Trustees' current application for funding, one of these was "two-twentieths [of her estate] to the said **Town of Brandon, Vermont**, to be used by it primarily for proper sewage disposal, drainage of swamps and other sanitary improvements and any amounts not needed and expended for such purposes shall be used for spraying trees or in the general improvement of the village in ways not sufficiently provided for by taxation."

In accordance with 24 VSA § 2431 and 2432, the Trustees are required to "apply estate income to the purpose for which it is held". Miss Farr directed that the trust directly benefit the **Town of Brandon** and "be used by it" for purposes she set forth. The **Town of Brandon** exists as a legal entity. In this context, it does not exist amorphously or in an ill-defined manner, as when we may casually use terms such as "community" or "residents" or "townspeople". Rather, the **Town of Brandon** exists as the duly constituted local government chartered and empowered to act as a Vermont municipal corporation.

Shirley Farr made generous provision for support of many endeavors. Had she intended to support other Brandon organizations she could have, and in fact she did, in naming the Brandon Free Public Library as another beneficiary. No indication can be found of her desire to support amateur theater productions, musical performances, or after school activities. These are all worthy of our support, but there is nothing in the trust authorizing support from the trust. We will have to find other ways to raise money for them if we value them.

The Trustees cannot elect to distribute money from the trust, no matter how deserving they deem the recipient, if Miss Farr's bequest does not speak to that purpose. The Trustees must honor the intentions of Miss Farr and follow her directives assiduously. And, more to my point this morning, the Trustees must

not distribute money from the trust unless the **Town of Brandon** itself, the legal entity that is the unit of local government, requests the funds.

What I am asking of the Trustees is a fundamental reordering of what their role is. I submit that your role is to manage with prudence the funds entrusted to you, keep them safe, optimize the return, and ... make them available to the **Town of Brandon** when and only when the **Town of Brandon** and only the **Town of Brandon** requests funds for a purpose identified in Miss Farr's will. The Trustee's role is not to be arbiters of what local project may or may not meet their personal approbation.

This is important because only the **Town of Brandon** itself exists to serve every taxpayer, every resident, every family living under its jurisdiction without limitation of benefit as is the case with any other entity requesting funding. The **Town of Brandon** further functions to protect public health and the natural environment through its wastewater collection and treatment system, the most costly operation of the Town and the largest infrastructure investment it owns. All other entities are limited in scope to their mission — they all exist to serve some subset of the community and most if not all of them are at least in part governed by individuals not elected by the voters. The **Town of Brandon's** scope of mission is the only one entirely universal in its application. Every person living in Brandon benefits from the decisions made by the democratically elected selectboard and the services delivered by its professional staff, its volunteer committees, and supported by the capital investments the **Town of Brandon** has made for the general welfare of all who live here.

I do not expect you to respond to this assertion immediately. If I were advising you as I am statutorily empowered and required (24 VSA § 1236) to advise the selectboard, I would advise you against responding immediately. However, because you are a board of three, Vermont Open Meeting Law provides that no two of you can confer on this outside a warned public meeting. I would request that the Trustees call a future public meeting after you have individually had an opportunity to consider the Town's position that only the **Town of Brandon** itself is eligible for funding from the Shirley Farr legacy.

Thank you for your consideration.

Respectfully submitted,

