

Brandon Select Board Meeting January 25, 2021

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

All in Attendance via Zoom.

Board Members In Attendance: Seth Hopkins, Tim Guiles, Brian Coolidge, Doug Bailey, Tracy Wyman

Others In Attendance: Dave Atherton, Shari Vaccarella, Butch Shaw, Bill Moore, Brent Buehler, Chris Brickell, Allie Breyer, Bernie Carr, Sue Gage, Keith Whitcomb, Lindsey Berk, Lee Kahrs

The meeting was called to order by Seth Hopkins – Chair at 7:00PM.

1. Call to order

a) Agenda Adoption – Motion by Tracy Wyman/Doug Bailey to adopt the agenda, as amended
The motion passed unanimously.

Addition of executive session regarding the wetland sale in accordance with 1 VSA 313(a)(2) – negotiating or securing real estate purchase or lease options.

Seth Hopkins thanked all for being part of the meeting and noted there were a number of items that are of significance. Mr. Hopkins stated orderly and respectful public comment is always welcome and the Board appreciates public input on any agenda item. Mr. Hopkins advised the Board adopted its rules in 2019 and asked all to address the Board Chair and be respectful, as everyone was in attendance because all want what is best for the town.

2. Approval of Minutes

a) Select Board Meeting – January 11, 2021

Motion by Tracy Wyman/Tim Guiles to approve the minutes of the January 11th Select Board meeting. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton provided a report for the week of January 11th and 18th, 2021.

Dave Atherton has received the final design for the Conant Square parking area. The Town is still planning on completing this work in-house, with the exception of the electrical work

for lighting. Mr. Atherton has lined up the electrician for the project and he will try to get better pricing on the lights.

Mr. Atherton had a meeting with Nanci McGuire from NRCS and Andres Torizzo from Watershed Consulting on the stormwater retention areas in the Center Street parking area and Pearl Street. This work is 100% grant funded. This will be all be completed on town-owned property or within the right-of-way. This work will be done at the north end of the parking area behind Café Provence with some earth changing and a retention area added. There are four similar designs on Park Street that will be dug down deeper to install dry wells. This work is part of the Stormwater Master Plan and these areas were recognized in the Plan.

The Highway Department has been out cutting back brush from the roadways in their time between plowing snow.

They were on Birch Hill Road last week.

We have received \$3,690.73 to date from logging off some of the town forest. Operations continue as weather conditions permit.

Rec Department News:

The ice rink frame has been built and the liner is in. The weather is cooperating, and water is being added to create the ice. Huge thank you goes out to: Coach Lance Laraway and Tanner Romano, Cole Mason and Josh Provencher of Naylor and Breen for their help in getting the frame built. Thank you to John Kerr for the generous donation of the liner and Dan Snow, Brian Kilpeck, Jeff Machain & Josh Preasseau for helping install the liner. Brandon Fire Chief Tom Kilpeck has been instrumental in the donation of his time, equipment and most importantly the water to fill the 56' x 96' rink. John Milne (Owner) and Wilson, General Manager of the Neshobe Golf Course have been wonderful hosts. They installed lights and are keeping things plowed for our outdoor winter recreation. We hope to have a filled and frozen rink by February 1!

The "Get It and Go" program, a partner with the American Legion Post 55 and the Brandon Area Toy Project has been excellently facilitated by the Assistant to the Rec Director, Colleen Wright. Dallas Ladd and Lesa Pratt cooked up, packed, and gave away 119 meals in the inaugural offering. Thanks to Mallory's Automotive for sponsoring the groceries. The next meal will be February 1st. Guest host chefs will be Emily Ohlinger and Jessica Markowski of the catering business "Sorelle" with baked ziti and garlic bread and groceries will be sponsored by Union Street Grocery.

Congratulations to Lisa Fenimore whose "Savory Cheddar Apple Bread Pudding" was the winning recipe in our Brandon Free Public Library collaboration "The Great Brandon Bake-off" monthly competition sponsored by our friends at Olivia's Crouton Company. The next challenge is chocolate cake and the entries are due by January 27th (National Chocolate Cake Day). To submit an entry, make your cake, take a picture, and email Molly Kennedy or post on social media with the hashtag "chocolatebrandon".

Tracy Wyman questioned if the money from the logging operation was for just this year. Dave Atherton advised the amount was from December and January only.

Brent Buehler asked what the fixtures and hours of operation would be for the parking lot lights. Dave Atherton advised they are going to be on in the evening and can be set to a timer. The fixtures will be a square top with a 3-foot concrete bottom and are a standard parking lot light that shines down. Mr. Buehler asked if the pedestrian walk is still along the retention wall. Mr. Atherton has spoken with Midway Oil and noted it appears that will be where the walk is located so that it will be out of the roadway and away from the building. Mr. Buehler asked what the gravel area retains that is towards the back of the area. Mr. Atherton advised everything will be paved from the road to the parking area and the gravel will be on the other side of the curb so it will not go onto the pavement. Mr. Atherton also advised there will be a bus stop building in the parking area and he has spoken with The Bus about this being Brandon's designated bus stop for them, as it will allow for a half-circle drive.

Shari Vaccarella expressed concern about the light fixtures due to the proximity to their property. Dave Atherton will speak with the electrician to assure that they are lights that shine down. As far as security, Ms. Vaccarella has noticed a difference on the town hall side and suggested putting lighting in the back parking area because it is more secluded. Mr. Atherton advised a security camera will be installed there and also noted a timer can be placed on the lights.

4. Public Comment and Participation

Sue Gage reported the Board of Civil Authority met last week and decided the election will be held at the Brandon Legion at 550 Franklin Street. The polls will open from 10AM to 7PM, rather than the usual 7AM to 7PM. Brent Buehler asked if ballots will be mailed and Ms. Gage noted the Board would be deciding that this evening.

5. Act 164 Discussion

Seth Hopkins advised this item had been placed on the agenda at the public's request. Act 164 is regarding the regulation and taxation of cannabis and the Town Manager provided background information about the Opt-in clause for Act 164.

Motion by Tim Guiles/Brian Coolidge to approve the addition of a ballot question: "Shall the voters of the Town of Brandon authorize cannabis retailers and integrated licensees in town pursuant to 7 V.S.A. § 863?" **The motion passed unanimously.**

Butch Shaw stated Act 164 is the cannabis bill that passed last year. He learned the Governor has yet to appoint the Cannabis Control Board that would control the growing and selling in the State of Vermont. Once that happens, this board would promulgate the rules that are not currently in the bill. Mr. Shaw could not advise the Town on the question, but promulgating rules is an 8 to 12 month procedure and the State is a long way from selling retail marijuana. Stephanie Jerome felt there is not a rush, as the details need to be figured out. It was noted this would be an opt-in

on the ballot as to whether the Town would want to have a store to sell cannabis in town. Mr. Shaw stated the bill has been passed, but the Cannabis Control Board has not progressed as far as it could have and the rules and regulations still need to be determined. Ms. Jerome stated municipal pharmacies will be given preference and they have the option of being first in becoming a retail establishment. The fees are not known and it is not known what the municipal tax will be. There are a lot of questions and Mr. Shaw was not sure the retail sales are going to be a boon for any town because it will be a state-wide process. Tim Guiles stated part of why he would want this on the ballot is that other communities are asking to show whether they would want this. Nothing in this vote commits the Town in any way of having a marijuana dispensary but would allow the Town to be prepared and allows the community to speak and weigh in on whether they like this idea or not. Bill Moore agreed with Mr. Guiles as it gives the public the opportunity to have their say and from an economic development side, it would give a signal to investors. Mr. Moore had been in contact with the Town's medical marijuana facility pre-COVID and they advised that they had no immediate plans of doing retail in Brandon. Chief Brickell noted that marijuana use has changed with the legalization and non-enforcement of the marijuana laws. If the Town wants to have retail sales, they have a process that is already in town and he thinks it will be regulated, but at the same time his concern is the rules surrounding how the process takes place is time consuming. Chief Brickell thought how the rules are promulgated around sales is the key issue on how successful it will be for the Town. He does not see it as a moneymaker for the Town as Vermont is one of the last states that will weigh in on this subject. Doug Bailey asked if law enforcement can determine if drivers are impaired from cannabis. Chief Brickell advised if someone is driving under the influence, it is a long process. It needs to be determined whether it is alcohol and if not, it is a lengthier process that is not simple or easy. Bill Moore stated his economic development comment was not specific to retail, but rather the opportunity for a facility for growing that might consider opening here. Dave Atherton stated this question will likely be put on the ballot either this year or next year and it does not seem like it is going to hurt whether the Town votes to opt in or out.

6. Town Report and Town Meeting Discussion

a. Town Meeting Warning Approval

Seth Hopkins advised there is a warning for a town meeting to be held the evening of March 1st that will include Zoom information. Bill Moore advised there is a new Zoom number to allow for participation via a webinar format. The difference between a webinar and zoom meeting is that the public will be able to see the Select Board and moderator, but not all people attending the meeting. Mr. Hopkins thanked Mr. Moore for his work in organizing the virtual town meeting. Mr. Hopkins advised Item 1 on the ballot is for election of officers and Items 2 through 18 are appropriations. There will be the addition of Item 19 relating to the cannabis question per Act 164 and the Bond Article.

Motion by Tim Guiles /Tracy Wyman to approve the town meeting warning for the informational meeting on March 1st as presented in the packet, plus Item 19. **The motion passed unanimously.**

b. Revised Bond Warning Approval

Motion by Tim Guiles/Tracy Wyman to accept the revised bond warning. **The motion passed unanimously.**

It was noted this is the bond warning for the wastewater treatment upgrades. Mr. Guiles thanked Sue Gage for her work in putting together the warnings being voted on.

c. Town Meeting Consideration Under H.48

Seth Hopkins stated H.48 had provided changes that municipalities could make, such as moving the 2021 town meeting, however, it was the decision of the Board to maintain the March 1st town meeting date.

. Authorize to Mail Out Annual Meeting Australian Ballots to All Active, Registered Municipal Voters

Motion by Tim Guiles/Doug Bailey to authorize the mailing of Australian ballots to all active, registered municipal voters. **The motion passed unanimously.**

Tim Guiles noted the turnout for the general election was amazing and he hoped that future voting will include mailing ballots. Sue Gage supported mailing of ballots, especially during COVID. Seth Hopkins thanked Ms. Gage for all the work she has done on this process.

7. Appointments

a. Planning Commission – Remainder of 3-year Term Ending June 30, 2021

Dave Atherton reported Stephanie Jerome stepped down from the Planning Commission due to her role in Montpelier. There has been a person that has expressed interest in serving on the Commission. Mr. Atherton advised that normally vacancies are advertised in the newspaper and on the Town's website. Tracy Wyman and Doug Bailey concurred that was what the Board had previously done. Mr. Bailey suggested advertising for the position and making the appointment at the next meeting. Seth Hopkins stated this will be the initial announcement of the vacancy. Brent Buehler asked if it could become a policy for posting open positions. Mr. Hopkins noted there had been discussion of doing that, but a policy was not developed and thanked Mr. Buehler for the suggestion. Mr. Hopkins stated there are seven spots on the Planning Commission so there could still be a quorum. Tim Guiles thanked the volunteer who had come forward as the Select Board appreciates people serving the Town. Mr. Hopkins thanked Ms. Jerome for her service on the Planning Commission. Mr. Atherton advised this is a three-year term ending June 30th of this year.

b. Interim Animal Control Officer

Dave Atherton reported one of the Town's employees, Tim Kingston in the Wastewater Department, has expressed interest in filling in the gap until the position is filled. His family works with animals everyday and it would be good to have someone available until the position

is filled. Calls have been going through the Police Department and Chief Brickell reported the majority of the calls have been regarding cats. Seth Hopkins thanked the Police Department for handling the calls in the interim.

Motion by Tracy Wyman/Brian Coolidge to appoint Tim Kingston as interim Animal Control Officer. **The motion passed unanimously.**

c. Consider Posting Method for ACO Position

Dave Atherton stated now that there are two vacancies to post, he will advertise in the newspaper and post on both the Town's website and on social media. Mr. Atherton noted he will also review the other committees to determine if there are other positions open that should be advertised. Tracy Wyman asked if they will be voted on at the next meeting. Tim Guiles stated it may require a little time to vet the responses and interview. Mr. Guiles and Mr. Wyman volunteered to serve on an interview subcommittee. Mr. Atherton suggested posting the notice until February 12th and have the week prior to the next select board meeting for interviews. It was the consensus of the Board for Mr. Wyman and Mr. Guiles to meet with Mr. Atherton during the week of February 14th.

8. Consider Declaration of Inclusion

Motion by Tim Guiles/Tracy Wyman to pass the Declaration of Inclusion that reads: the Town of Brandon condemns racism and welcomes all persons, regardless of race, color, religion, national origin, sex, gender identity or expression, age, or disability, and will protect these classes to the fullest extent of the law. As a Town, we formally condemn discrimination of all its forms and commit to fair and equal treatment of everyone in our community. The Town of Brandon has and will continue to be a place where individuals can live freely and express their opinions. **The motion passed unanimously.**

Mr. Guiles noted a few other communities are making statements like this and it shows that Brandon is welcoming to everyone and is a positive statement of our values.

9. Equal Opportunity Policy for Library Grant

Dave Atherton stated the Brandon Library had applied for a Community Development Block grant for renovations and the municipality has to be the applicant for this grant. They were not approved during the first round but have been approved in the second round. This is a step that is required in the grant application and is the same thing that was done when renovating the town office. This is an Equal Opportunity policy and has to be accepted when receiving federal funds.

Motion by Tim Guiles/Tracy Wyman to accept the Equal Opportunity policy for the Brandon Library grant. **The motion passed unanimously.**

10. Fiscal

a) ***Warrant – January 25, 2021 - \$199,759.84***

b) ***Route 7 Construction Warrant – January 25, 2021 - \$170,210.56***

Motion by Brian Coolidge/Tracy Wyman to approve the January 25th warrant in the amount of \$199,759.84 and the January 25th Route 7 Construction warrant in the amount of \$170,210.56. **The motion passed unanimously.**

Doug Bailey questioned the legal fees for the Foley sale. Dave Atherton advised that Foley's was going to purchase a Brandon Industrial Corporation lot pre-COVID, however, the sale was not completed. Bill Moore and Mr. Atherton have been working with the Brandon Industrial Corporation on this item and since the sale was not completed, it was not the responsibility of the purchaser to pay the attorney fees.

Bill Moore advised the Get and Go meals are available to anyone and is a drive-thru. Mr. Moore noted that there were a lot of donations received. In addition to the February 1st meal, there will be a turkey dinner on February 8th prepared by The Neighbors Farm and the groceries sponsored by The Bookstore. There will also be a meal on February 15th of chicken and biscuits by Dallas Ladd and Lesa Pratt with groceries sponsored by Laurie Bertrand, CPA.

Motion by Tracy Wyman/Brian Coolidge to enter into executive session at 8:03PM to discuss the wetland sale in accordance with 1 VSA 313(a)(2) – negotiating or securing real estate purchase or lease options, with the session to include the Town Manager. **The motion passed unanimously.**

11. Executive Session

The Board came out of Executive session at 8:19PM.

There were no actions required.

12. Adjournment

Motion by Brian Coolidge/Doug Bailey to adjourn the Select Board meeting at 8:19PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary