

**Brandon Select Board Meeting
May 27, 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, Tim Guiles, Brian Coolidge, Ralph Ethier

Others In Attendance: Seth Hopkins, Bill Moore, Dorothea Langevin, Bernie Carr, Mickey Peluso, Lisa Peluso, Karen Farwell, Karen Rhodes, Ray Marcoux, Sandy Mayo, Steven Jupiter, Chris Conlin, Vicki Disorda

Others by Zoom: Neil Silins, Claire Astone, Brandi

1. Call to Order

The meeting was called to order at 7:03PM by Doug Bailey – Board Chair.

a. Agenda Adoption

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

2. Recurring Matters

a. Approval of Select Board Meeting Minutes – May 13, 2024

Motion by Brian Coolidge/Heather Nelson to approve the Select Board minutes of May 13, 2024. **The motion passed unanimously.**

b. Approval of Warrant – May 27, 2024 - \$1,367,717.67

Motion by Tim Guiles/Heather Nelson to approve the warrant of May 27, 2024, in the amount of \$1,367,717.67. **The motion passed unanimously.**

Karen Farwell noted concern with the \$200 warrant for Green Leave Design. She stated the swales were not taken care of and this is about transparency and being accurate about facts. There was a meeting held with this company that was not warned as she was told by the Town Manager that it is not a town initiative, but now the town is using taxpayer money for something that is a citizen initiative. Heather Nelson stated there were many discussions last year about the bioswales. They are the type of gardens that people are not accustomed to taking care of. Last summer it was decided to try it for one year with volunteers taking care of them to see if that was sufficient and if so, it would continue, but due to the type of garden it is supposed to be, it cannot be just ornamental. Ms. Farwell noted her discussions with Mr. Hopkins started in July with regard to the volunteer gardens and noted they are a necessary infrastructure of the Town. She stated volunteers save money, but we should be allowing everyone to work on the projects and it should be publicly announced. She noted there are conflicting emails that have been sent by Sarah Patis, Wendy Fjeld, and the Town Manager. In an email from Mr. Hopkins, he indicated there is no public body involved and it is a grassroots initiative, however, if it is not a Town initiative, she does not want to spend \$200 to pay a company to assist as the Town should not be covering an expense that is a volunteer effort. Doug Bailey stated this was announced on Front Porch Forum at least two times for people to attend.

3. 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.

Mr. Hopkins reported the FEMA recovery transition meeting was held and was successful. They have turned over the administration of the grant received for the July 2023 flood response and the Town will now be working with the State partners. Mr. Hopkins noted the Memorial Day parade was a success and the Town appreciates the participation of the high school and elementary school bands and all the volunteers. Doug Bailey thanked the town crew for the work done in making the Town look good.

4. Rec Director's Report

A Rec Director's report was provided by Bill Moore and is available for viewing in the Board packet on the Town's website.

Mr. Moore reviewed the Rec Director's report submitted:

Confirmed that we will have 2 different YouthWorks groups coming in to do some volunteer work. June 17th, 24th and 25th. The plan is to have them provide some painting at the WWTP and some fence work at Seminary Hill.

Our summer wrestling camp will start on June 4th. This is a collaboration with the Otter Valley's Parents of Wrestling group and will feature instruction from Vermont State University Castleton wrestlers. This is a twice per week offering that will run through August 1st in the OV wrestling room.

Ms. Michaela's Dance spring recital was a smashing success. This program has grown each year and would not be possible without the work of Michaela Newell and her helpers. A semi-silent partner gives the Town a great rate on use of a dance rehearsal space and Otter Valley's Walking Stick Theater allows us to use the auditorium for the performance. This program is poised to explode with parents already asking about the fall offering!

The NYC Bus Trip for December 14th is open for registration. History indicates that this will sell out sooner rather than later so register today at BrandonRec.com.

Summer plans for improvements to parks include 2 water fountain installations: one in the dog park and one in the Seminary Hill playground. The town will use Highway and Building & Grounds employees for installation. The dog park side will be funded using Dog Park funds and the Seminary Hill side will be funded by Brandon Fire District #1.

Heather Nelson thanked Mr. Moore for a great dance recital.

5. Wheeler Road Bridge and Culvert Study – Grant Acceptance

Bill Moore reported the Town was awarded a grant that had been initiated from the former town manager, Dave Atherton, to provide a scoping study to review an undersized culvert at the beginning of Wheeler Road. This will be moving along with the same scope and work during the FEMA buy-out and will provide a scoping study to replace the bridge and the culvert. The grant is \$75,000 and will require a \$25,000 match from the Town that will include a \$5,000 match from the Vermont Emergency grant. Currently the Town does not have engineering plans for this project and will be passed over if federal grants become available if the Town does not have engineering plans. Completion of the grant is required by the end of 2026. Heather Nelson confirmed that the study is to have plans that will then be ready when federal funding becomes available. Bill Moore noted Brandon is looked at as a shining star with their hazard mitigation projects that include the culverts and Newton Road problem spot.

Motion by Tim Guiles/Heather Nelson to accept the grant for the Wheeler Road Bridge and Culvert Study. **The motion passed unanimously.**

Mr. Hopkins requested the Select Board take action on designating the Town's match source.

Motion by Heather Nelson/Tim Guiles to approve the 1% Fund as the match source. **The motion passed unanimously.**

Mr. Hopkins advised Sue Gage will provide the Select Board with a transfer order when the funds are needed, with the monies remaining in the Fund until that time.

6. Repeal of Act 250 Jurisdiction Ordinance Requiring One-Acre Review

Seth Hopkins advised during the second regular meeting in April, per the Board's practice, he has not received any further comments and is ready for the Board to consider repealing. Brian Coolidge requested tabling this vote as he would like to get more information. Mr. Hopkins requested what additional information would be required. Mr. Hopkins noted the Town has the BLUO and also subdivision regulations. In Vermont, if a developer has plans on a lot of 10 acres or more, they have to satisfy local zoning and local subdivision regulations, and then Act 250 review. The State gave the towns the option to move from a 10-acre to a 1-acre regulation and currently in Brandon, if one has a lot that is 2 acres, you have to comply with the BLUO, with subdivision regulations and also the Act 250 review process. Act 250 is good, but it does mean an investment of time and money to go through it. There was prior concerns with the school's ability to serve students and concerns with services if there was over development. The Town is looking to do development and if the Board were to repeal the one-acre review, any development would still have to meet the requirements of the BLUO and the subdivision regulations. The only difference is the Act 250 process would be for more than 10 acres, rather than smaller parcels. It was noted that Act 250 can be a deterrent and there are some people that have had potential projects slated for Brandon but when realizing the Act 250 review was for less than 10 acres, they decided not to invest in a business in Brandon. Tim Guiles stated this is an important step in fostering affordable housing in Town and it is smart to go back to the 10-acre minimum. Mr. Hopkins stated residential development is limited to certain criteria through Act 250. Ralph Ethier stated this can be good, but he sees some negatives with regard to businesses and asked if Act 250 protects neighbors. Bill Moore stated the BLUO protects neighbors and dictates what happens in Brandon and abutters could trigger a process. Mr. Moore noted from an economic development perspective, this has been a problem. An example was the purchase of land for the installation of a miniature golf course and it is going on for two years with this process as it has to go through Act 250. Mr. Hopkins noted that this does not have to be an immediate decision. Karen Farwell asked if a repeal process is initiated would there be fees incurred. Mr. Hopkins stated it would require publishing in the Reporter. Sandy Mayo asked if people could get a copy of how Act 250 is changing by the Legislature. Mr. Hopkins advised Act 250 is 50 years old and the Legislature did make some changes to it and the changes could be reviewed under the Legislature's information. Mr. Hopkins stated Act 250 will still stay in place but what is being considered is when it comes into play at either 1-acre or 10-acre. Vicki Disorda asked if the community members are going to be polled. Action on this item was postponed to a subsequent meeting.

7. Designate Name for Private Road off Birch Hill Road

Seth Hopkins advised the Board has received the memo, map and street naming ordinance. The E911 group wants to create a road name to a road and solicited suggested names from the abutting landowners that were reviewed. The private road name recommendation is Spike Horn Lane that came with one of the landowners or Star Light Drive and both are dissimilar to any other road names in Brandon.

Motion by Heather Nelson/Tim Guiles to approve the name for the private road off Birch Hill Road as Spike Horn Lane. **The motion passed unanimously.**

8. Sbardella Updated Quote

Seth Hopkins stated the updated proposal is in the board packet and the additional information relates to the schedule and chimney. They are committing to do it either themselves or as a subcontractor and can rebuild the northwest chimney that was damaged by the wind. The other piece of information is that there is an 8-to-12-week lead time and the materials will be ordered when the Select Board is ready to sign the proposal. Mr. Hopkins suggested proceeding with the revised proposal and any overage could be funded from the 1% Fund.

Motion by Tim Guiles/Doug Bailey to accept the proposal by Sbardella.

Mr. Hopkins noted he did not have the exact number from the Town Clerk but it would be the balance that was not expended from the solar proposal, plus the amount the Select Board had set aside. Brian Coolidge was not in favor of the proposal and

noted a local roofer did not think it needed to be done. He also did not think there would be enough oversight and would likely cost more than what is anticipated. Mr. Hopkins advised he and Tracy Wyman met with the local roofer and at the end of a thorough review, he noted the things that are laid out in the quote is a reasonable quote for what is to be done. Mr. Coolidge is not sure what percent of slate will be saved. Heather Nelson stated the roof will eventually need to be replaced. Doug Bailey stated there was insurance money left over from a claim and Mr. Hopkins noted the settlement was \$40,000 and \$15,000 was spent with \$25,000 remaining. There was \$226,500 from ARPA and \$50,000 from the solar array. Karen Farwell stated that was an overestimation and the outstanding invoice was not received which leaves upwards of \$55,000. Heather Nelson felt comfortable moving ahead and noted there is pressure to get this done due to the weather that is happening. Mr. Hopkins stated the contractor would like to do the job this season but would not want to start it late in the season. The estimate is \$294,800 and Mr. Hopkins stated the proposal is for a full replacement of the roof and if there is slate that can be reused, the Town will be credited. If the deck needs replacing it would be \$36,800 and would be the entire deck.

The motion passed with one no vote – Brian Coolidge.

9. Review Select Board Rules of Procedure Regarding Public Comment

Tim Guiles advised that VLCT suggested it can be useful to have reasonable time limits on public input to allow meetings to be efficient and allow the public to have input. He would like to see an update to include a 2-minute time limit on public comment. Heather Nelson stated on the one hand, she needs to hear from members of the public who are not part of the Board on opinions that matters. That said, the tone of conversations in Town over the past few months has been criticisms rather than specific suggestions and she is struggling with the number of these types of public comments heard. It is difficult to move forward with the agenda when there are these types of comments being made. If something does not change, she does not see how anyone can stay on the board for very long. Doug Bailey reviewed the Select Board Rules of Procedures for the Board to consider any changes. It was noted that Items 1 through 7 had no changes. Items A through D were reviewed and it was decided that no changes were needed. There was a suggestion to place a 2-minute time limit that could be waived at the discretion of the Board Chair under Item 2.

Motion by Tim Guiles/Doug Bailey to limit the public comment to a 2-minute time limit per person with additional time allowed at the discretion of the Board Chair to be added under Item 2.

Tim Guiles stated the concept of participating in a board meeting is profound. As a board member, he talks to people and gets information together and makes it so that there is preparation for a meaningful discussion. Mr. Guiles suggested it would be productive if a member of the public were to meet with a Select Board member or the Town Manager to get support for an idea. This is the most productive way for the meetings to be fruitful. It is unlikely that someone would have a profound change at a meeting but would require discussion prior to the meeting and 2 minutes would be sufficient when bringing it to the Board. Brian Coolidge thought that people should have the opportunity to speak and the Board should not hurry people out. Heather Nelson stated the past practice was public comment at the end of the meeting and she thinks that most recently there were people present for an agenda item and they had to wait for an extensive public comment and suggested having it at the end of the meeting would be better. Mr. Bailey stated in the past a time limit did not seem necessary, but this year it should not take more than 2 minutes to make a statement, and if it is a subject that needs more time, the Chair can waive the time limit.

Karen Farwell stated many towns have a limit in their rules and protocols with 2 minutes at the lower end, and 2 to 5 minutes could be considered. She stated that emotional comments have fallen within a contentious budget period and as people engaged in this budget process, the one good thing that has happened is people have gotten involved in the Town. The Select Board has been moving in a good direction. Mr. Hopkins asked if the intent was for per person and it was noted that was the case. Bernie Carr stated when he was moderator at town meetings, it would be 2 minutes per question with a short follow-up question for clarity but it would not allow for a new question. These last few Select Board meetings have been open for discussion throughout the meeting and he does not remember that happening in the past as there is plenty of time for public comment.

Sandy Mayo read the following: *“At the last selectboard meeting, I listened to a man tell lies about me and slander my name. Why I do not know, it had nothing to do with the agenda. If he did it for his wife’s sake that was also inappropriate. Nobody*

on the selectboard said this is inappropriate or you need to stop. When you are looking at public comment and procedure be sure and include yourself, yes you need to protect yourself, you also need to project the audience. We come to these meetings thinking we are in a safe place. Let's actually make that true. The next time reporters post my comments in their newspapers please tell the truth. I'm not here for your entertainment. I've come to a meeting to offer my opinion on issues pertaining to our community. If you do not like what I say you do not need to report it in a way that is offensive to me and my family. I'm not your whipping post. Be fair."

The motion failed – 3 to 2.

Heather Nelson would like to revisit this in a few meetings after the budget season and would be more comfortable with a possible change at a time. She thinks it would be prudent to give this subject a few weeks and Mr. Ethier agreed, noting some people have trouble expressing their comments in two minutes.

Seth Hopkins suggested making a revision to Item E. This is intended to be adopted every year and the rules are to apply to the body. This is the VLCT policy that the Brandon Board adopted as best practice. Mr. Hopkins suggested adding - This shall also apply to all other elected bodies of the Town that have not adopted their own rules and procedures.

Motion by Heather Nelson/Brian Coolidge to readopt the Rules and Procedures with the additional sentence recommended by the Town Manager to include other elected bodies of the Town. **The motion passed unanimously.**

Seth Hopkins stated for the Board's information, there is an MOU between the Town and the Brandon Chamber, and the next board meeting of June 10th conflicts with the Chamber's use of this space. The rules call for the Select Board to meet at the town hall and asked where the Select Board would like to meet in June. The Library expects to be turning the large room back to the Select Board in October. Mr. Hopkins inquired about other meeting spaces and there is the Senior Center, Rescue Squad, or the room downstairs in the Town Hall.

Claire Astone stated there is difficulty hearing what is being said when participating on Zoom.

Motion by Brian Coolidge/Ralph Ethier to move the Select Board meetings back to the downstairs of the Town Hall. **The motion passed unanimously.**

10. Public Comment and Participation

Claire Astone asked why the Select Board is having a meeting on a federal holiday when it is an opportunity for working families to gather together. She felt this is disrespectful to what most of the country does and asked why business has to be above family. Doug Bailey advised the Select Board has always met on Memorial Day and Labor Day in the past. There are members that have meetings on other nights of the week and this allows for a quorum. Ms. Astone suggested considering not doing that in the future. Mr. Bailey also noted that the Select Board needs to approve the payment of bills. Heather Nelson stated she receives an extra day with her family and did not see it as a problem with having the meeting in the evening.

The Board recessed at 8:23PM.

The Board reconvened at 8:31PM.

Motion by Tim Guiles/Heather Nelson to enter into executive session at 8:31PM for the appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313(3)(a)(3). **The motion passed unanimously.**

11. Executive Session

The Board came out of executive session at 8:36PM.

12. Planning Commission Appointment for Term July 1, 2024 – June 30, 2027

Motion by Heather Nelson/Tim Guiles to appoint Lisa Peluso to the Planning Commission for a term of July 1, 2024, through June 30, 2027. **The motion passed unanimously.**

Motion by Heather Nelson/Ralph Ethier to move 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 Heather Nelson/Ralph Ethier to enter into executive session at 8:37PM to discuss the Town's pending labor relation agreement with New England Police Benevolent Association Local 422 per 1VSA 313(a)(1)(b) for labor relations agreements with employees, with the session to include the Town Manager. **The motion passed unanimously.**

13. Executive Session

The Board came out of executive session at 8:51PM. No action was required.

14. Adjournment

Motion Brian Coolidge/Ralph Ethier to adjourn the Select Board meeting at 8:51PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary