

Brandon Select Board Meeting Minutes

June 24, 2024

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

Board Members in Attendance: Doug Bailey, Heather Nelson, Tim Guiles and Brian Coolidge.

Others in Attendance: Seth Hopkins, Bill Moore, Tom Kilpeck, Linwood Bovey, Jon Wyman, Claire Astone, Linda Gebhard, Billy Bullock, Steve Bissette, Ray Marcoux, Barry Varian, Janet Coolidge, Jack Schneider, Steven Jupiter, Jackie Savela, Vicki Disorda, Sandy Mayo, Cecil Reniche-Smith.

Others by Zoom: Keith Whitcomb, Bruce Jenson and Emma Cotton

1. Call to Order

The meeting was called to order at 6:43pm by Doug Bailey-Board Chair

a. *Agenda Adoption*

Motion by Heather Nelson/Brian Coolidge to approve the agenda as posed. **The motion passed unanimously.**

2. Executive Session-Regarding the appointment or employment or evaluation of a public officer or employee per 1 V.S.A § 313(3)(a)(3) to include the Town Manager and Candidates for Fire Warden and Deputy Fire Warden: Linwood Bovey, Tom Kilpeck and Jon Wyman.

Motion by Heather Nelson/Tim Guiles to go into Executive Session: regarding the appointment or employment or evaluation of a public officer or employee per 1 V.S.A § 313(3)(a)(3) to include the Town Manager and Candidates for Fire Warden and Deputy Fire Warden: Linwood Bovey, Tom Kilpeck and Jon Wyman. **The motion passed unanimously.**

Executive Session ended at 7:21pm-no official action was taken.

3. Recurring Matters

a. *Approval of Select Board Meeting Minutes-June 10, 2024*

Motion by Heather Nelson/Brian Coolidge to approve the meeting minutes of June 10, 2024 with one edit to update to 501(c)(6) on page 5.

Seth had spoken with Ralph Either and an edit needs to be made on page 6, the ACT 250 appeal fee should be changed from \$100 to \$250.

The motion passed unanimously.

b. *Approval of Warrant-June 24, 2024-\$452,323.54*

Motion by Heather Nelson/Brian Coolidge to approve the Warrant of June 24, 2024 for \$452,323.54.

Claire Astone asked if there was any money in the warrant for Newton Road. Seth stated that there was an item on the first page for the final payment of the Newton Road project. 75% is paid by FEMA, 17.5% from the State of Vermont and 7.5% to be paid by the Town.

The Motion passed unanimously.

c. *Approval of Warrant for Library Grant-June 24,2024-\$1,322.50*

Motion by Tim Guiles/Brian Coolidge to approve the warrant for Library Grant-June 24,2024 for \$1,322.50. **The motion passed unanimously.**

4. Town Managers 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 wished to thank the Selectboard for the use of the 1% option tax, which was used to replace the windows at the Town Office. The old windows have been removed and replaced by Royals. Royals will be returning in July to exchange three of the panes due to an error in the manufacture.

The library is scheduled to be opened at the Town Hall until August 2nd and will be opening in their new building on September 3rd. The library will be doing work on the main room to bring it back to a functioning meeting room.

5. Rec Directors Report

The 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 Directors report submitted:

The rec is partnering with Otter Valley's Walking Stick Theater for a community musical production of "Lucky Stiff", auditions will be help on June 27th and 30th with practices for the September performances.

June 28th is the Summer Kickoff Car Meet at Otter Valley Union High School's parking lot. All are welcome 5pm to 9pm.

The first of three sessions of "summer Dance Intensives with Miss Michaela kicked off today with other weeks being July 22nd and August 12th.

Thanks to enthusiastic parent-coach Alex Barnhardt, kiddos in Pre-K to 6th can have Summer Baseball Fun! Starting July 9th, this weekly baseball clinic will be hosted at Neshobe School.

On June 17th and 24th a youth organization that does work in the community came to Brandon to help with some projects. On the 17th they worked at the Wastewater plant doing some painting, on June 24th they were at Neshobe painting the dugouts and staining the benches around town. They will also be staining the deck at Kennedy Park and helping to eliminate the weeds on the Town sidewalks.

Tim Guiles asked if the Rec Department was going to apply for the grant listed in the Rec report for Land & Water Conversation fund monies. Bill stated that they were looking into applying for the grant and would not do so until they had come before the Board requesting permission to apply.

Claire Astone asked what would be used to spray the weeds in town. Bill stated that it is a mixture of Epsom salt, soap and vinegar.

6. Appointments

a. Fire Warden (5 Year term ending June 30, 2029)

Motion by Tim Guiles/Brian Coolidge to appoint Linwood Bovey to the Fire Warden for a 5-year Term. **The motion passed unanimously.**

b. Deputy Fire Warden (5 year term ending June 20, 2029)

Motion by Tim Guiles/Brian Coolidge to appoint Jon Wyman to the Deputy Fire Warden for a 5-year term. **The motion passed unanimously.**

c. Rutland Region Transportation Council (1 year term ending June 30, 2025) Jeremy Disorda Rutland Regional Transportation Council Alternate (1 year term ending June 30, 2025) Seth Hopkins Rutland Regional Planning Commission Alternate (1 year term ending June 20, 2025) Lisa Peluso

Motion by Tim Guiles/Heather Nelson to appoint Jeremy Disorda to Rutland Regional Transportation Council, Seth Hopkins to Rutland Regional Transportation Council (Alternate) and Lisa Peluso to Rutland Regional Planning Commission Alternative.

Seth is listed as the alternate to allow the Town to have someone attend the meetings, if there is anyone else who is interested in attending those meetings, they can put their names into that position. Anyone can attend these meetings as they are a public meeting. Claire Astone stated she was interested in attending the meetings to see if it was something she would like to consider.

The motion passed unanimously.

7. Letter of Support for VCRD Community Visit

An overview of the program is in the Board Packet, which is available online at the Town website. This is a follow up to last meetings presentation.

Motion by Heather Nelson/Doug Bailey to move forward with the VCRD Community Visit and ask for them to accept us as a town.

Claire Astone asked if the public would be involved with this community service. Heather Nelson stated that that was the purpose behind the program and that the community would be asked for their input.

The motion passed unanimously.

8. Request of Use of Local Option Tax Funds

This would be the 3rd or 4th time that the Board has been asked to make the final payment on the Segment 6 project and by no fault of the Boards it has not been made, due to waiting for the big payment to be made on the project. The Town will not be receiving updated bills for the Segment 6 project and Sue Gage has reviewed the activity on this account and nothing has been coming down the pipeline. Sue is asking for the Town to balance the books to close out Fund 46 for the Route 7 project. This amount is what is not being reimbursed for the project.

Motion by Tim Guiles/Heather Nelson to approve the transfer of \$24,453.29 from Lot Fund 70 to Fund 46 to close out the Route 7, Segment 6 project.

Tim Guiles asked if this would be the last time the Board would be doing this. Seth Hopkins stated he believed so as we have received a letter from the State. At some time Seth and Due will be breaking down the information to show the entire Segment 6 project in an executive report.

The motion passed unanimously.

9. Assignment of Funds

Annual move at the end of the fiscal year to move money to the 2025 budget. The following funds are asking to be moved from the 2024 budget to the 2025 budget:

- \$10,000 of prepaid Winter Sand to be used in fiscal year 2025.
- \$7,000 of tree removal costs, which will not happen until late fall.
- \$1,000 for office equipment that was not used during the 2024 budget year but will need to be used in 2025 to replace office equipment.
- The Energy Committee is asking for \$2,000 to be encumbered for purchases of electrical yard tools, that they will be using to create a lending library for community members to try out. This has been paid for out of their budget but was told that it would be a good use of the Mini Merp money. They are asking to move this in the budget line items.

Motion by Tim Guiles/Heather Nelson to approve the \$10,000 in Winter Sand, \$7,000 in tree removal costs, \$1,000 for office equipment and \$2,000 for the energy committee to be moved to the 2025 fiscal year budget.

Seth Hopkins thanked Jackie Savela for working closely with the department heads and committees to provide this list.

10. Public Comment:

Karen Farwell stated that Mr. Hopkins is not a public official but a Town employee and requested an apology for the comments made in the last meeting. Karen stated that she believed that Mr. Hopkins was running the BIC and that it is a conflict of interest with the NOVIS solar project. Tim Guiles stated that the Board does not believe that this is a conflict of interest. The BIC is by design and that Town Manager should be involved in the BIC. Karen stated that past Town Managers have not been on the board of the BIC. Heather Nelson stated that the climate and conversation in the last few months has been unbearable and can understand the frustration. Questions have been asked about BIC due to Heather's lack of understanding and it has been explained and that James

Leary is potentially the new President of the BIC. A conflict of interest would state that someone was benefiting. Karen asked about when there could be a public meeting to discuss the benefits and possible downsides of the project. Doug Bailey provided a brief history on how the Brandon Industrial Corporation was formed and that he does not believe that Seth is running BIC and does not see a difference between this project and other projects that have happened with previous Town Managers. Tim Guiles stated that this project is not using Town money. If there are concerns with the project they should be brought up at a meeting of the BIC. There has been no discussion of the Town needing to buy the solar array after 10 years. The Board was asked to provide a letter of recommendation for the project. Seth stated that the letter he drafted was based on a letter created by the Planning Commission as was the case with a project on lower Carver Street. With these projects a smaller company is made from a larger company. For this project NOVIS is the larger company and NOVIS Brandon Solar LLC would be the smaller company running that project. Karen asked again when there can be a meeting to discuss the details of the project for the citizens of Brandon to obtain an understanding of the project. Cecil Reniche-Smith provided a legal explanation of what a Registered Agent is and that they are no more than one who legal processes can be served. It was also Cecli's understanding that James Leary was now the appointment president of the BIC and that State websites can be slow to update. Cecil also explained that larger corporations i.e. NOVIS create a smaller LLC for that project and that the smaller LLC is responsible for that project for legal purposes. Doug Bailey stated that the Town does not run BIC and does not know what the BIC does. No one is currently building any new industry on this side of the State of Vermont. The Select Board has no power and was only asked if they supported the project. Heather Nelson stated that she does not see where there is a conflict of interest and has not been any specifics to prove otherwise. Jack Schneider provided information that the Towns do not approve the Solar Projects the PUC would approve the project. The PUC has found that going to the Town and gaining support from those sources allows for those solar arrays to use allowed. NOVIS energy followed procedure. There has been no discussion of buying it after a 10-year period. The Town supports the building of the array. Seth Hopkins stated that James Leary would be signing any contracts for the project and that James will take any questions that the public has about the BIC. Seth will also check with the Secretary of State about the State Filing. Karen asked about having an open meeting to discuss the project. Sandy Mayo asked about where the statement about buying the solar array after 10 years had come from and would like James Leary to be present at a meeting to discuss what the agreement is on the project.

Sandy May also asked about the Davenport celebration and if the Town is obtaining a grant for that celebration and if the police would be involved. Bill Moore stated that the Davenport festival is taking a break for this year and our friends at Solar Fest are applying for a \$150,000 tourism grant and if they receive the grant, they will be partnering to have a multiple day town event. The group putting together this event would address any public safety concerns and the funds would be provided by that grant.

Ray Marcoux asked about the fire hydrant on Newton Road that was being used to water the marijuana plants and if this water was being metered. Seth Hopkins stated that there is a hose attached to the fire hydrant and that it would need to go to the Prudential board to see if anyone had given permission for that to be used and if it was being metered.

Vicki Disorda asked about not seeing any notice to the repeal of ACT 250. Seth Hopkins stated that it would be in this weeks Reporter and that they public would have 44 days from publication to respond.

Motion by Brian Coolidge/Tim Guiles to recess the meeting and enter into the Liquor Commissioners and Sewer Commissioners meetings.

The motion passed unanimously.

11. Executive Session-Town's labor agreement with New England Police Benevolent Association

Motion by Tim Guiles/Brian Coolidge to enter into executive session at 8:51pm.

Executive session exited at 8:52

Motion by Tim Guiles/Brian Coolidge to ratify the contract as it was most recently revised.

The motion passed unanimously.

12. Adjournment

Motion by Brian Coolidge/Tim Guiles to adjourn.

The motion passed unanimously.

Respectfully submitted,

Hillary Knapp

Substitute Recording Secretary