

**Brandon Select Board Meeting
November 25, 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, Brian Coolidge, Ralph Ethier

Others In Attendance: Seth Hopkins, Bill Moore, Karen Rhodes, Jack Schneider, Steve Bissette, Steven Jupiter, Ray Marcoux, Barry Varian, Dorthea Langevin, Patrick Snow, Steve Wyman, Laura Guidroz, Tim Kerr, Janet Coolidge, Kevin Smith, Joe Bertrand, Dave Snow

Others by Zoom: Keith Whitcomb, Tricia Welch, Todd Nielsen, Neil Silins

1. Call to Order

The meeting was called to order at 7:05PM by Doug Bailey – Board Chair.

a. Agenda Adoption

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

2. Select Board Remarks

Doug Bailey stated there are new faces at the meeting and all are welcome. He noted that they try to hold these meetings in a peaceful and respectful manner.

3. Recurring Matters

a. Approval of Select Board Meeting Minutes – November 11, 2024

Motion by Brian Coolidge/Ralph Ethier to approve the Select Board minutes of November 11, 2024. **The motion passed unanimously.**

b. Select Board & Budget Advisory Committee Minutes – November 18, 2024

Motion by Ralph Ethier/Brian Coolidge to approve the Select Board & Budget Advisory Committee minutes of November 18, 2024. **The motion passed unanimously.**

c. Warrant – November 25, 2024 - \$1,340,163.00

Motion by Heather Nelson/Tim Guiles to approve the warrants of November 25, 2024, in the amount of \$1,340,163.00. **The motion passed unanimously.**

4. 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 stated if anyone has suggestions regarding speed limits on the town roads, the Traffic Ordinance Review committee is working on this and people are encouraged to send suggestions to the Town Manager. It was brought to Town's attention regarding the North Street resurfacing and Pike returned and repaved it. The Town is in need of a representative to the Insect Control District. Additional updates that Mr. Hopkins provided the Board included information that Sanderson Bridge was hit again by a truck on Friday and had more damage than the previous collision. From the first incident, the police

obtained the driver's information and likewise, the information was also obtained from the second driver. The Town's insurance will work with the drivers' insurances. He spoke with Naylor/Breen to revise the original work plan and take the second incident as a change order as the second truck damaged the bridge further. Mr. Hopkins met with the Town's property assessor and the report will be on the Select Board's agenda in December. The local option tax from the State for sales is \$81,693 and is the second-largest quarterly payment. Later in the meeting, there is a BLUO update report and if the Board chooses to move to the public hearing stage, Mr. Hopkins spoke with the editor of the Reporter and they can publish the warning for the hearing in this Wednesday's paper and the earliest hearing date could be December 12th. This revision needs to be completed in December due to the conditions of the grant the Town received.

Doug Bailey asked what would have to be done to put up a permanent barrier for the Sanderson Bridge. Seth Hopkins spoke with the person from Vermont Heavy Timber and was advised that recently in northern Vermont there was a steel barrier installed in a bridge that was the first in Vermont. Mr. Hopkins will contact the town manager in that area to determine what has to be done for clearance. A fixed bar is not favorable as it would cause damage to a vehicle if it were hit and the Town would be liable for that. Heather Nelson asked if some of the old timbers could be used for a sway bar. Mr. Hopkins stated the idea is to put the bars back from the bridge where a truck could turn around as there was an aesthetics concern expressed. Kevin Smith suggested proper signage indicating no tractor trailers beyond this point be installed to warn there is a bridge ahead with a fine indicated. It was noted there are signs at the intersections that are large. Ralph Ethier stated there is one near his house and one near Corona Street. Vicki Disorda stated understanding truck clearance is basic to getting a CDL and should be pushed back to the agency that is licensing these people. Karen Rhodes stated some parking decks have pre-entry and if vehicles are too high it hits the top of the vehicle if they are too high. Mr. Bailey suggested looking into what the other towns are doing. Tricia Welch stated there needs to be a major fine so that the companies take responsibility as the insurance claims are not working. Seth Hopkins contacted Naylor/Breen this morning and they will provide a change order taking into consideration the last incident. Mr. Hopkins noted the bridge has been evaluated and is safe for use.

5. Community Development Report

Bill Moore reviewed his report that is available for viewing in the Board packet on the Town's website.

"As the town readies for year-round programming of the town hall space, we are actively recruiting volunteers to help plan and work events for the upstairs and downstairs space. Please reach out to Bill Moore via email (community@brandonvermont.gov) with your interest.

The town hall upstairs will be closed the week after December 16th for the annual refinish of the floors by Mountainside Flooring.

The Friends of the Town Hall voted unanimously to use their left-over funds from the dissolution of their amazing organization to fund the 2025 Silent Movie Series. There will be 7 movies that are being sponsored by the Friends of the Town Hall.

The Brandon Museum and Brandon Recreation Department are excited to co-host the film, Lost Nation, at the Brandon Town Hall on Sunday, December 15th at 2pm. Vermont filmmaker, Jay Craven, will be at the screening to present the film and run a question and answer session after the show.

This is a free event, thanks to sponsorship from Phoenix Feeds, National Bank of Middlebury & Hannaford Supermarket This Revolutionary War era action drama set in the early upstart Republic of Vermont will be a great way to spend a Sunday afternoon!

The Town of Brandon will be signing a lease agreement with UVM to rent the one of the two storage rooms connected to the downstairs meeting space and occasional daytime use of the conference room for their Assistive Technology Tryout Center that is staffed by Brandon's own Ben Wimet, a member of our Diversity Equity and Inclusion Committee. The amount remitted to the town will be \$4,500.00 annually.

We will be bringing to the board a request to adjust 2 different lot lines on Jones Drive to correct an historic error that has the town possessing land that should have been a part of the land after the subdivision of the Brandon State School.”

Doug Bailey asked how much land is involved with the lot line adjustment. Bill Moore advised it is between 1/3 and 1/2 acre that is land on the side of the road that has been used by Ultravation and is a little bump that goes into Jones Drive. They will take the land and give it to the potential new owners of the Ultravation building.

6. Designate Representatives to the Rutland Regional Emergency Management Committee

Seth Hopkins advised the Rutland Regional Emergency Management Committee has two members from each town that are usually the Emergency Management Director and a person from one of the emergency services. Mr. Hopkins is the Emergency Manager and Tom Kilpeck, Fire Chief, is willing to serve again. The Committee meetings are quarterly.

Motion by Tim Guiles/Ralph Ethier to reappoint Seth Hopkins and Tom Kilpeck to the Rutland Regional Emergency Management Committee. **The motion passed unanimously.**

7. Discuss Charging Station Rate Alignment with GMP Increases

Brian Coolidge stated every year when GMP increases their rates, the rate for the charging stations should be increased to that same amount. Seth Hopkins advised the based increase this year was 5.6%.

Motion by Brian Coolidge/Heather Nelson to increase the rate on the charging station by 5.26% and automatically every year when GMP's rate increases. **The motion passed unanimously.**

Tim Guiles stated it is unfair to charge parking for only those 2 parking spaces in town and would like to eliminate the parking fee associated with those two spots.

Heather Nelson stated the parking lot is busy and those charging spots are utilized a lot. She would encourage to charge for the parking if they want to use the spots once the charging is completed, so that they are not leaving them there all day as the parking spots are needed and the spots have something different than others in Town. Seth Hopkins stated the rate is \$1.25/hour in addition to the charging and this rate is charged even after the charging is complete. Mr. Guiles stated it is not just one parking space in front of each charger. Dorthea Langevin, resident of Brandon, stated that she has been professionally shuttling people in her EV over the last four months. She advised the superchargers are the fastest chargers and the cheapest one she has used is in Vergennes at 42 cents/kwh versus a home charger at 17 cents/kwh. She went to 3 different non-Tesla chargers that are a level 2 charger which is in between a home and a supercharger. In Burlington near Oak Ledge Park, they charge 20 cents/kwh, in Middlebury there was no charge for Tesla and the Co-Op in Middlebury charges \$1.00/kwh. Brandon is currently charging 44 cents/kwh. Some stations apply a parking fee, and superchargers charge an idle fee so that cars are not blocking a charging station. Speed and convenience is a key factor for her and she frequents superchargers. She stated it is not just the fee but the area is getting a person visiting. If a town is smart, they set them up to encourage people to visit the town. As a traveler, safety is huge for her and the station behind Dunkins has a dark tunnel when Dunkins is closed to a back parking area that is lit. Mr. Guiles stated there are 2 stations with 4 charging handles and he has never seen all 4 chargers being used at the same time. He stated with having a mid-speed charger it encourages people to spend time in Town. Ms. Nelson's concern is that those spots are different from any other parking spot in Town and it is not a fair comparison to no fees for other parking. Mr. Guiles would be agreeable to an idle fee. Seth Hopkins stated it is very easy to change the fees on the chargers. Mr. Guiles stated this is an economic development tool and is a way to attract people to Town with more people owning EVs. Bill Moore stated the longer people stay in Town the more they spend here. Mr. Guiles thought there are some residents that use the chargers but the vast majority are from out of town. Ms. Nelson suggested an idle fee be instituted an hour after charging in completed.

Motion by Tim Guiles/Ralph Ethier to eliminate the parking fee associated with the charging station spots and to institute an idle fee an hour after charging ends at a rate of \$1.25/hour. **The motion passed unanimously.**

8. Lower Carver Street Reclassification: Schedule Site Visit & Hearing

Seth Hopkins provided information to the Board regarding Vermont statute concerning this subject. The concern is with the trash on Lower Carver Street and the cost of staff and equipment time to dispose of the debris. Mr. Hopkins highlighted points of the statute concerning when a road goes between two towns. The Select Board would approach the Select Board of Pittsford to determine a time for a site visit and schedule a joint hearing. Tim Guiles was in support of this change. Heather Nelson is interested in pursuing this conversation with Pittsford as this is a place where she would like to ride her bike and does not feel it is safe but it is a beautiful place that could be very nice. Brian Coolidge does not think it needs to be done as Pittsford is not in favor of this as farmers need access to their land and both towns would have to agree to close it. Mr. Hopkins spoke to all the farmers in Brandon that have land on this road and they think it is a good idea, with the concept of installing gates. Tim Guiles thinks this will save the Town money as any cost to maintain the road is misspent money. Mr. Coolidge thought the trash will be dumped on another road. Ms. Nelson noted concern the Town had to spend \$1,000 on a recent clean up. Mr. Hopkins advised the State required the Town to clean up the refuse in the water that was a dump truck of roofing shingles and it took equipment and staff time, and the State required receipts showing the disposal. Doug Bailey stated there is continual dumping in this area and a full truckload was taken out on Green Up Day and now the dumping of roof shingles that are hazardous waste. Dave Snow stated when the Police Department got the F150, it was to monitor roads like this and he has never seen any police on this road. Mr. Snow asked if the police could monitor this road and other roads, rather than close the roads. Mr. Hopkins did not think they could effectively stop littering. Mr. Hopkin advised this is a Class 3 road that is not maintained in the winter and is not financed by the State. Mr. Snow stated it would not take much to upgrade the road as it does not have to be perfect but there are disabled people that hunt there and closing it will make it so that they cannot do that. Joe Bertrand stated he has grown up in this town and trash has been there for 40 plus years. The law enforcement are not in that area and he has brought them some names but the police have not done anything. Jan Coolidge suggested putting some trail cameras in strategic locations in the area to try to catch people. Mr. Guiles walks the area a lot and the idea of catching someone dumping trash is unlikely. He stated it is appalling to see the random garbage and people are not going to be caught with a camera or police. He stated sadly if the problem has been around for 40 years, it is a problem that needs to be addressed as a community. He agreed with Mr. Bertrand that people have to have respect for the community. Bill Moore stated the first phone call was to David Mills and he was on board with the closure, the second contact was Omya and they enthusiastically supported it and offered to provide the gate. All of the surrounding landowners said yes to this change. Neil Silins agreed with Jan Coolidge in using trail cameras that could be moved around. Also, if a fine were in place, the word would get around.

Kevin Smith has lived on Lower Carver Street for 52 years as well as his grandparents and great-grandparents and he has traveled the road a lot. Dumping has always been a huge issue and he sympathizes with the landowners. Omya, though he realizes it provides many jobs is an overseas company and they do not want anyone to use their land. He thinks that a couple of bad apples have ruined it for everyone and he agrees that people dumping under darkness is going to be difficult to catch but he does not think closing the road is a good idea. There are places in the road past Willie's Bow on the straight stretch that is below grade. If that area were built up, there would be less maintenance. He did not think it would take a lot to bring it back to grade and dig the ditches out. The scenery is great and should be open for everyone. Though the towns are on board and David Mills is on board, it needs to be thought out more than closing the road.

Karen Rhodes asked why people are dumping on the road as they possibly are doing it because they can't afford the transfer fees. There are elderly people that like to walk the road and blocking it is not a good idea. Vicki Disorda stated it is individuals that are the problem and the trail cameras seem to be the solution, and blocking the road is not the solution. Ms. Coolidge asked if the town has a fine for dumping. Bill Moore advised there is not a specific trash ordinance, but it reverts to the State ordinance of \$500. Heather Nelson stated she has heard of people going through the trash to get a name. In talking with Pittsford, it would be to problem-solve this issue and not just block the road. Joe Bertrand stated there should be more law and the fines should be higher. Ms. Disorda stated when finding receipts in trash on Richmond Road and bringing them to the police, they did not do anything. Pat Snow stated they have had people come to their apartment building and dumped their garbage and the police did go to the town where the people were. Brian Coolidge stated Pittsford has one Select Board member in favor of closing but he does not think we are ready to move forward on this. Tim Guiles stated pursuing this to have a joint meeting and a hearing would continue the work that has been done and taking the next step of a joint meeting to consider this is a good idea. Ralph Ethier stated we are looking to have a joint meeting with Pittsford and cameras could come out of it and Mr. Ethier agreed the meeting should take place with Pittsford. Heather Nelson stated everyone who has spoken has indicated that they love the road but there is too much trash and she felt that joining forces with Pittsford would

be good. Doug Bailey volunteered to attend a Pittsford Select Board meeting and share the comments to see what their thoughts are. This has been an ongoing problem for many years and with the town's budget, the Board needs to find a way to spend less money. Mr. Guiles stated Steinberg Road is an analogous situation and when making it a trail, the people could use the road. Mr. Bailey agreed that if the road is closed, people will find another road to dump their trash. Mr. Guiles stated the uniqueness about Steinberg Road and Lower Carver Street is that it is easier to dump trash there. Dave Snow stated with both Pittsford and Brandon having a say, Pittsford has a very small section and on their section there is not a lot of dumping. With Steinberg Road, he thinks the trash that was on Steinberg Road is now on Lower Carver Street. Joe Bertrand stated if there was law enforcement in the area, there could be less trouble. The issue on Steinberg Road was a couple of bad apples and he used to go there all the time and it is not good to close these roads off. Doug Bailey advised he would contact Pittsford's Board Chair to get permission to speak at their meeting. The topic can then be brought back to this Board. Ralph Ethier volunteered to attend the meeting with Mr. Bailey.

9. Brandon Planning Commission Adoption of BLUO Update

Doug Bailey stated the Planning Commission has revised the land use ordinance (BLUO), held a public meeting and have passed it on to the Select Board for review and to hold a second hearing. Seth Hopkins advised the earliest date for a hearing could be Thursday, December 12th, or anytime after that due to warning regulations. Mr. Hopkins stated on Monday, December 16th there would be a budget workshop and the last Select Board meeting would be on December 23rd. The Board agreed to Monday, December 16th at 6:00PM for the hearing. Vicki Disorda stated she attended the Planning Commission hearing and she expressed concern with the increases in density and the lack of parking in Town. She does not understand why the BLUO has to change to the State regulations. Jack Schneider stated that when the state legislates a change it has to be reflected in the towns' bylaws. The Town has an Enhanced Energy Plan and Town Plan, and if the Town had bylaws that do not comply with the State, it would not be considered to have zoning bylaws. The Town applied and accepted a grant that has to be completed prior to the end of December. Bill Moore asked when the process was started. Mr. Schneider reported that the Select Board approved the Town Plan in February and the Planning Commission started in March on the BLUO. They had 11 meetings that were open to the public and also held a walking tour. The Commission talked to the DRB and had input from previous and current Zoning Administrators. The BLUO is a 105-page document and zoning is complicated. Mr. Schneider noted there were people at the hearing who live opposite the old high school that are concerned about parking in a no parking area. That building is a unique special building that is in the Central Business District that is adjoining a Residential area. They did not object to what was in the bylaw update. Mr. Hopkins advised the Town would not just lose grants, but also ERAF funding in the case of a flood. If all of the boxes are not checked off, the Town would not be eligible for State assistance and instead of 2.2% the Town had to pay, it would have been a few hundred thousand dollars. Doug Bailey stated the BLUO is updated every few years and it is not unusual to update to current state standards. Ms. Disorda asked if the two Acts that were approved, if anything is modified or repealed, would the Town have to do this again next year. Mr. Schneider noted both legislations were signed off by the Governor with the goal to have more compact centers but also in designated tiers to be easier to develop and less expenses previously caused by Act 250. Mr. Moore asked if it would be easier to build more housing in accessory dwellings. Mr. Schneider stated the legislation talks about dwelling units. In looking at the maps, in the Village area, the pre-zoning that was built 150 years ago does not have a lot of area to be developed and the BLUO impacts are any new development.

10. Public Comment and Participation

Vicki Disorda asked where she could find the information about ERAF. Seth Hopkins stated it would be in the Vermont Emergency Management information that he would provide to Ms. Disorda.

The Select Board recessed at 8:25PM.

The Select Board reconvened at 8:36PM.

Motion by Heather Nelson/Tim Guiles to enter into executive session at 8:36PM 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 Management Team. **The motion passed unanimously.**

11. Executive Session

The Board came out of executive session at 8:57PM. No actions were required.

Motion by Heather Nelson/Brian Coolidge to enter into executive session at 8:57PM 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 Management Team. **The motion passed unanimously.**

12. Executive Session

The Board came out of executive session at 9:55PM. There was no action required.

13. Adjournment

Motion by Brian Coolidge/Tim Guiles to adjourn the Select Board meeting at 9:55PM. **The motion passed unanimously.**

[After the meeting, Seth Hopkins corrected his response to Vicki Disorda's question in which he stated that the BLUO is part of the flood relief requirements checklist. It is not. The local emergency management plan and the local hazard mitigation plan are on the flood relief checklist. Mr. Hopkins regrets his error.]

Respectfully submitted,

Charlene Bryant
Recording Secretary