

**BRATTLEBORO SELECTBOARD
TUESDAY, MARCH 17, 2015
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, Kate O'Connor, David Schoales, and Donna Macomber.

Staff present: Town Manager Peter B. Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Finance Director John O'Connor, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Planning Director Rod Francis, Fire Chief Michael Bucossi, Assistant Fire Chief Peter Lynch, and Executive Secretary Jan Anderson.

Media present: Howard Weiss-Tisman representing the Brattleboro Reformer, Tim Johnson representing WTSA, and Olga Peters representing The Commons.

Others present: James Banslaben, Kathryn Turnas, Jennifer Moyses, Tad Montgomery, Michael Bosworth, Lester Humphreys, ASL Interpreters Janet Dixon and Elizabeth Bjerke, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:33pm in the Selectboard meeting room in the Municipal Center. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS REAL ESTATE, CONTRACTS, AND LABOR RELATIONS AGREEMENTS BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD, PEOPLE INVOLVED, AND OTHER ENTITIES AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND TOWN ATTORNEY WERE INVITED TO ATTEND. MOTION CARRIED 3-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Chair Gartenstein reconvened the meeting at 6:22pm.

APPROVE MINUTES

MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM MARCH 3, 2015 AS PRESENTED. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Chair Gartenstein said that a productive Informational Town Meeting was held last night in preparation for the annual Representative Town Meeting which was scheduled on Saturday, March 21, at 8:30am in the multipurpose room at Brattleboro Area Middle School. He also thanked the Brattleboro dive team and the Fire Department for their efforts in saving the life of a driver whose car overturned into a nearby pond this past week.

MANAGER'S COMMENTS

Town Manager Elwell reminded the public that the new emergency notification system for the Brattleboro area was operational and he encouraged everyone to sign up for the VT Alert program before June 30 at www.vtalert.gov.

He also noted that the Selectboard previously approved submittal of a letter in connection with the decommissioning process for Vermont Yankee, and that he intended to submit a letter to the NRC in connection with a recent decision that was made not to extend the time that the emergency radius zone would remain in effect. He said that Selectboard action was not required because the letter was similar to the letter that the Board previously approved. Kate O'Connor noted that she was a member of the 19 member Nuclear Decommissioning Citizens Advisory Panel, made up of State officials, Entergy officials, local officials and citizens, which had been constituted by the State legislature in order to provide

information to the public, hear from witnesses, and share information about the decommissioning of Vermont Yankee. She said that the Panel met monthly and would meet next on March 26 at 6:15pm at BUHS in the multipurpose room. She said it was potentially a good resource for people in the area and encouraged the public's involvement.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Dave Schoales discussed the various activities in the energy field, including Windham Solid Waste Management District's (WSWMD) contract negotiations with Integrated Solar to build \$10 million solar array on the former landfill, a developing proposal for a \$4 to \$6 million anaerobic digester facility to process food waste, and \$1.6 million being made available from the Clean Energy Development fund for schools and other facilities in Windham County. He also announced that the BUHS chorus and madrigal groups would be performing tomorrow at 7:00pm, and that the BUHS band would be performing on Tuesday, March 24, and he encouraged members of the public who enjoyed music to attend the free concerts.

PUBLIC PARTICIPATION

Kathryn Turnas discussed the March for Meals Celebration honoring the Meals on Wheels programs throughout the country. She announced that the Brattleboro Senior Meals would hold Lunch at the Latchis on March 26 with the Windham Orchestra performing music, and she encouraged the public to participate in the event and to support the Meals on Wheels program.

LIQUOR COMMISSIONERS

Outside Consumption Permit – *Approve Permit for Fraternal Order of Eagles, 2445, Inc.* Gartenstein said that the matter would be deferred to another meeting at the request of the applicant.

NO ACTION TAKEN.

UNFINISHED BUSINESS

Proposed Zoning Code Amendments – *Schedule for Selectboard Review.* Planning Director Rod Francis said that the Board recently requested that the Planning Commission and Planning Department divide the proposed Land Use Regulations (LUR) amendments into sections and topic matters so the Board could discuss the proposed amendments in reasonable time sessions at upcoming Selectboard meetings. He requested that the Board add the matter to the April 7, April 21, May 5, and May 19 Selectboard meetings to hear and discuss the new LUR in four sections - district boundaries, protecting rural character while planning for growth, development review procedures, and design and performance standards. There was some discussion by the Board about the proposed presentations and requirements for adoption of the LUR.

MOTION BY DAVID GARTENSTEIN TO ENDORSE THE PROPOSED SCHEDULE FOR PLANNING DEPARTMENT PRESENTATIONS TO THE SELECTBOARD TWICE IN APRIL [APRIL 7 AND APRIL 21] AND TWICE IN MAY [MAY 5 AND MAY 19] ON THE TOPICS AS PRESENTED. MOTION CARRIED 4-0.

NEW BUSINESS

Financial Report – *Monthly Report, February, Finance Department.* Finance Director John O'Connor was present and discussed the monthly financial report for February, 2015. There was a brief discussion by the Board.

NO ACTION TAKEN.

Staffing Level Review – *Fire Department.* Gartenstein said that staffing level reviews had been in effect for more than a year, but noted that Town Manager Elwell submitted a memo suggesting that the practice be discontinued. Elwell suggested that the reviews were informational only and that staffing level reviews would be addressed in a broader context in the financial planning project underway. Fire Chief Bucossi announced that Lt. Marty Rancourt was retiring from the Fire Department after thirty years of service, and he congratulated and recognized Lt. Rancourt for his years of dedication to the Town. He announced that a retirement open house was scheduled on March 31 and he invited to Board and public to attend. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN THAT THE BOARD ENDORSE AND ADOPT THE RECOMMENDATION MADE BY THE TOWN MANAGER WITH RESPECT TO PROVIDING INFORMATION TO THE SELECTBOARD ABOUT STAFFING LEVELS AS PRESENTED IN HIS MARCH 12, 2015 MEMORANDUM. MOTION CARRIED 4-0.

Green Street Retaining Wall

- (a) Repair/Stabilization Design Alternatives – Review, Approval*
- (b) Structures Grant Application through VTrans - Approval*
- (c) Engineering Services by Stevens and Associates – Approval*
- (d) Urgent Need Grant through CDBG - Update*

Public Works Director Barrett and Highway/Utilities Superintendent O'Connell provided a PowerPoint presentation to emphasize the failing condition of the Green Street retaining wall and propose possible repair and stabilization design alternatives. Barrett discussed the continuing failure of the upper wall and the effect on the Upper Green Street roadway and nearby infrastructure, as well as efforts made to-date to temporarily stabilize the wall. He said that Stevens & Associates Engineering investigated the site and provided several alternatives and cost estimates for repairs/replacement of the upper wall. Barrett discussed the various alternatives in detail, including possible abandonment of the wall and road. He said that the preferred alternative was the Redi-Rock option for several reasons, including local contractors being familiar with the product, past success rates, and cost. Fire Chief Bucossi spoke of fire safety concerns if the roadway was abandoned. There was much discussion by the Board, including the various alternatives, anticipated costs, possible abandonment of the wall and roadway, and alternate funding sources.

MOTION BY DONNA MACOMBER TO APPROVE CONSTRUCTION ALTERNATIVE 4 – REDI-ROCK WITH GEOTEXTILE FABRIC – FOR THE GREEN STREET RETAINING WALL AT AN ESTIMATED COST OF \$550,000. MOTION CARRIED 4-0.

Elwell discussed possible funding sources for the project, including a \$175,000 VTrans structures grant and an "urgent needs" CDBG grant. He said that the Board was asked to approve the VTrans grant application at this time, and discuss the CDBG application at a special meeting on March 23. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO APPROVE THE APPLICATION FOR A \$175,000 STRUCTURES GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION TO PAY A PORTION OF THE CONSTRUCTION COSTS FOR THE GREEN STREET RETAINING WALL. MOTION CARRIED 4-0.

Elwell asked the Board to approve an amount not to exceed \$30,000 for additional engineering services in connection with the project. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO AUTHORIZE CONTINUED ENGAGEMENT OF STEVENS AND ASSOCIATES FOR ENGINEERING SERVICES RELATED TO THE GREEN STREET RETAINING WALL IN AN AMOUNT NOT TO EXCEED \$30,000. MOTION CARRIED 4-0.

Elliot Street Bridge – *Structures Grant Application through VTrans - Approval.* Highway/Utilities Superintendent O'Connell and Public Works Director Barrett were present to discuss the Elliot Street Bridge. O'Connell discussed the deteriorating condition of the bridge, and said that the Board was asked to approve the Department of Public Works' application for a \$175,000 Structures Grant from the Vermont Agency of Transportation (VTrans) to pay a portion of the costs for construction to repair the Elliot Street Bridge superstructure. Barrett said that other funding sources may be available and DPW would continue to search for additional funds. There was some discussion by the Board.

MOTION BY KATE O'CONNOR TO APPROVE THE APPLICATION FOR A \$175,000 STRUCTURES GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION TO PAY A PORTION OF THE CONSTRUCTION COSTS TO REPAIR THE ELLIOT STREET BRIDGE. MOTION CARRIED 4-0.

Energy Efficiency

- (a) *Property Assessed Clean Energy Program (PACE)*
- (b) *Several Near-Term Low-Cost Improvements – Authorization to Expend up to \$8,000*
- (c) *Energy Audit RFQ – Authorization to Proceed*

(a) *Property Assessed Clean Energy Program (PACE)*. Elwell discussed the general structure of the PACE program and some previously identified concerns about the program. He said that several meetings and conversations had taken place in the recent past and that progress had been made to resolve some of the hurdles. There was some discussion by the Board. Schoales spoke about his frustration with the delay of implementation of the program and asked that the matter be added to the April 7 Selectboard agenda for an update and further discussion by the Board.

NO ACTION TAKEN.

(b) *Several Near-Term Low-Cost Improvements – Authorization to Expend up to \$8,000*. Assistant Town Manager Moreland discussed possible energy efficiency improvements proposed by the Energy Committee as more particularly set forth in his March 11 memo to the Board. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO APPROVE ENERGY EFFICIENCY IMPROVEMENTS AS SET FORTH IN THE MEMO DATED MARCH 11, 2015, FROM PATRICK MORELAND, FOR A COST NOT TO EXCEED \$8,000. MOTION CARRIED 4-0.

(c) *Energy Audit RFQ – Authorization to Proceed*. Moreland said that the Board previously discussed concerns and difficulties in preparing for and developing wholesale energy audits of municipal buildings, with particular challenges around size of the buildings, varied uses, and specialty buildings such as water and wastewater treatment facilities. He said that the Energy Committee suggested developing and publishing a request for qualifications (RFQ) in order to determine qualifications of possible vendors qualified to address the unique nature of the buildings, who would then work cooperatively given the particular building and the vendor's expertise. After receipt of the vendors' letter of intent and qualifications, Moreland proposed establishing an ad hoc selection committee comprised of himself, the Town's Energy Coordinator, some members from the Energy Committee, and the Finance Director to review the proposals and then interview and score candidate vendors, followed by a hiring recommendation to the Board. Elwell clarified that the RFQ intent was to determine vendor(s) qualified to perform energy audits only, and that any recommended improvements and/or construction would later be presented to the Board. Tad Montgomery provided his suggestions and opinions. There was some discussion by the Board.

MOTION BY DAVID SCHOALES TO AUTHORIZE THE TOWN MANAGER TO ISSUE AN RFQ FOR THE PURPOSE OF ENGAGING A VENDOR OR VENDORS TO PERFORM ENERGY AUDITS OF CERTAIN MUNICIPAL BUILDINGS. MOTION CARRIED 4-0.

Ordinance Amendments – Second Reading and Public Hearing. Gartenstein said that the Board was asked hold a second reading and public hearing on two ordinance amendments:

- (a) *Pay-As-You-Throw, Chapter 7 (Ordinance Regulating the Collection and Disposal of Solid Waste);*
- (b) *On-Street Parking, Appendix C (Regulations Governing the Control of Traffic), Art. III, (Parking Meter Areas), Section 16-110 (On-Street Areas).*

(a) *Pay-As-You-Throw, Chapter 7 (Ordinance Regulating the Collection and Disposal of Solid Waste)*. Gartenstein discussed the proposed amendments to Chapter 7 of the Code of Ordinances and said the amendments were to accommodate the new PAYT solid waste program. He said that the Board held the first reading at its meeting on March 3 and was asked to hold a second reading and public hearing on the amendments. He said that the proposed changes would be published in the Brattleboro Reformer on Saturday, March 21, and also posted in five conspicuous locations in municipal buildings. There was no discussion by the Board.

Gartenstein opened the public hearing pertaining to Chapter 7 (Ordinance Regulating the Collection and Disposal of Solid Waste).

There was no public comment.

Gartenstein closed the public hearing.

MOTION BY DONNA MACOMBER TO APPROVE AMENDMENTS TO CHAPTER 7 (SOLID WASTE) OF THE CODE OF ORDINANCES, AS PRESENTED. MOTION CARRIED 4-0.

(b) On-Street Parking, Appendix C (Regulations Governing the Control of Traffic), Art. III, (Parking Meter Areas), Section 16-110 (On-Street Areas). Gartenstein said that the proposed amendments to Appendix C were to bring the ordinances current with actual on-street parking meter areas. He said that the Board held the first reading at its meeting on March 3 and was asked to hold a second reading and public hearing on the amendments. He said that the proposed changes would be published in the Brattleboro Reformer on Saturday, March 21, and also posted in five conspicuous locations in municipal buildings. There was no discussion by the Board.

Gartenstein opened the public hearing pertaining to Appendix C (Regulations Governing the Control of Traffic), Art. III, (Parking Meter Areas), Section 16-110 (On-Street Areas).

There was no public comment.

Gartenstein closed the public hearing.

MOTION BY DAVID SCHOALES TO APPROVE AMENDMENTS TO APPENDIX C, ARTICLE III, SECTION 16-110 (ON-STREET PARKING METER AREAS) OF THE CODE OF ORDINANCES, AS PRESENTED. MOTION CARRIED 4-0.

Board Appointment – Windham Regional Commission. Gartenstein said that the Board was asked to appoint two Town representatives to the Windham Regional Commission (WRC) for the period of April 1, 2015 through March 31, 2016. Schoales asked that the WRC representatives provide regular reports to the Board.

MOTION BY DAVID GARTENSTEIN TO RE-APPOINT ELIZABETH MCLOUGHLIN AND ROD FRANCIS AS WINDHAM REGIONAL COMMISSION TOWN REPRESENTATIVES. MOTION CARRIED 4-0.

Town Service Officer – Annual Appointment. Gartenstein said that the Board was asked to re-appoint Leon C. Boyd, Jr., as Town Service Officer for the period April 15, 2015 through April 14, 2016. There was no discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO RE-APPOINT LEON BOYD, AS TOWN SERVICE OFFICER FOR THE PERIOD APRIL 15, 2015 THROUGH APRIL 14, 2016. MOTION CARRIED 4-0.

Warrants – Assign Quarterly Signing Responsibility. Gartenstein asked Executive Secretary Anderson to coordinate with each Board member and assign a period time for the Board members to sign Finance Department warrants each week. There was no discussion by the Board.

NO ACTION TAKEN.

Representative Town Meeting - Assignment of Motions on Articles. Each Board member volunteered to read certain Warning Articles at Representative Town Meeting on Saturday, March 21.

NO ACTION TAKEN.

Selectboard Organizational Meeting - Confirm Special Meeting, March 23, at 5:15pm, Selectboard Meeting Room. Elwell said that the Board was asked to confirm the date and time of the Board's annual Organizational Meeting.

MOTION BY DAVID GARTENSTEIN TO NOTICE A SPECIAL MEETING ON MARCH 23 AT 5:15PM TO INCLUDE A NUMBER OF AGENDA ITEMS, INCLUDING THE BOARD'S REORGANIZATION, A PUBLIC HEARING FOR THE \$300,000 URGENT NEEDS GRANT, AND POTENTIALLY ONE MORE MATTER. MOTION CARRIED 4-0.

There was no further business.

MOTION BY DONNA MACOMBER TO ADJOURN AT 8:35PM. MOTION CARRIED 4-0.

David Schoales, Clerk