

**BRATTLEBORO SELECTBOARD
TUESDAY, JUNE 21, 2016
EXECUTIVE SESSION – 5:15PM
REGULAR MEETING - 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, Kate O'Connor, Richard DeGray, and John Allen.

Staff Present: Town Manager Peter Elwell, Finance Director John O'Connor, Assistant Town Manager Patrick Moreland, Town Clerk Annette Cappy, Town Assessor Russell Rice, Library Director Starr LaTronica, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer and BCTV staff and volunteers.

Others present: Janet Seaman, James Banslaben, Robert Glennor, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:18pm. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, PENDING AND PROBABLE CIVIL LITIGATION TO WHICH THE TOWN IS OR MAY BE A PARTY, BASED ON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN, SELECTBOARD AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 4-0.

Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM JUNE 7, 2016 AS PRESENTED. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Chair Gartenstein announced that the Elliot Street Bridge would be closed for two months starting June 27 in order to replace the bridge deck. He said that signs would be installed informing drivers of the closure and invited the public to submit suggestions if additional signs were necessary. He also said that the Board was expected to approve the Collective Bargaining Unit agreements with three unions later in the meeting. He thanked the employees, Town Manager and Assistant Town Manager for their strong efforts in negotiations and finalizing the agreements. Gartenstein then noted that the Town had recently filed suit against NextSun and the suit was in preliminary stages. He said that the Town entered into a net metering agreement two years ago with Green Lantern, who subsequently sold to NextSun, and due to disagreements with provisions of the contract NextSun essentially cancelled the contract. Lastly, he announced that the mailing of the FY17 property tax bills would be delayed about a month so the payment normally due on August 15 would be delayed until September 15. He said that no further action of Representative Town Meeting would be necessary and he said that funds were available to operate the Town without the need of borrowing funds.

MANAGER'S COMMENTS

Town Manager Elwell noted that today the State announced that the grant for the Bradley House improvement project was approved and Bradley House would receive \$450,000 in assistance for its redevelopment project. He also announced that on Friday, June 24, the Police Department and Women's Freedom Center were co-sponsoring a free cookout on the Whetstone Pathway, and he invited the public to attend. Elwell also said that on July 11, there would be an unveiling of the NEA Our Town art project, "From the River To the River," starting at 6:00pm at the Transportation Center and then moving to Depot Park. He invited the public to attend the ceremonies. Lastly, he reminded citizens that starting July 11

curbside garbage would be picked up every-other week and he invited residents to call if they had any questions.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Kate O'Connor spoke briefly about the "From the River To the River" art project and encouraged the public to attend the programs and view the art installation.

DeGray said that the Downtown Brattleboro Alliance's flower project recently changed the flowers in the Downtown District, and he extended his thanks and appreciation to Missy Galanes and James Banslaben for their hard work in changing the flowers and making Main Street beautiful.

PUBLIC PARTICIPATION

None.

NEW BUSINESS

Parade Permit – By the People: Brattleboro Goes Fourth. Elwell said that the Board was asked to approve the parade/open air application for the annual Fourth of July parade. Kate O'Connor said that the parade would take place on Monday, July 4, and start at 10:00am from the High School down Canal Street and ending at the Brattleboro Common. She said that the parade was an all-volunteer event and said that volunteers were needed to assist with the parade and welcomed any donations. There was no discussion by the Board.

MOTION BY KATE O'CONNOR TO APPROVE THE PARADE/OPEN AIR APPLICATION FOR THE ANNUAL "BY THE PEOPLE: BRATTLEBORO GOES FOURTH" PARADE. MOTION CARRIED 4-0.

Financial Report – Monthly Report for May, Finance Department. Finance Director John O'Connor presented and reviewed the May finance report. There was a brief discussion by the Board.

NO ACTION TAKEN.

Award Bids - Department of Public Works

- (i) *Annual Paving Program.*
- (ii) *I-91 Impact Special Paving Project.*

Elwell spoke about the annual paving project and the special I-91 Bridge Impact Paving Grant. He said that the bids for both projects were very favorable and came in under the allotted budgets. There was a brief discussion about whether the excess funds would be realized as savings or reinvested into other projects – paving and otherwise. The Board asked the Town Manager to provide his recommendations for use of the excess funds. Gartenstein said that the Department of Public Works would be paving South Street, Thayer Ridge, Mather Road and Bonnyvale Road as part of the FY17 Capital Paving program, and Upper Dummerston Road and Western Avenue from Allerton Avenue to Chestnut Hill as part of the I-91 Impact Grant.

MOTION BY JOHN ALLEN TO (1) AWARD A BID TO VERMONT ROADWORKS OF BRATTLEBORO, VERMONT IN THE AMOUNT OF \$189,166.68 FOR FY17 CAPITAL PAVING, AND (2) TO AWARD A BID TO VERMONT ROADWORKS OF BRATTLEBORO, VERMONT IN THE AMOUNT OF \$130,728.80 FOR A FY17 SPECIAL PAVING PROJECT. MOTION CARRIED 4-0.

Farm Tax Stabilization Program – FY17 Waiver for the Robb Family Farm. Elwell said that the Robb Family applied for a waiver of certain requirements in the Farm Tax Stabilization Program for FY17 due to special family circumstances. He spoke about the program and the waiver provision. He said that the Farmland Tax Stabilization Waiver Committee recently met with the owners of the Robb family farm and recommended that the Robb family farm be allowed to remain in the Farm Tax Stabilization program for FY17. There was a brief discussion by the Board.

MOTION BY RICHARD DEGRAY TO APPROVE THE CONTINUED PARTICIPATION IN THE FARMLAND TAX STABILIZATION PROGRAM FOR THE ROBB FAMILY FARM FOR FY17. MOTION CARRIED 4-0.

Business Personal Property Tax Fines – Office of the Assessor. Russell Rice, Town Assessor, said that the Board was asked to authorize issuance of a fine in the amount of \$100 for each business that did not file its Business Personal Property schedule for 2016. He said there were 15 businesses on the list and Gartenstein read the names of the businesses as set forth in Rice's revised memo dated June 21, 2016. There was a brief discussion by the Board.

MOTION BY RICHARD DEGRAY TO APPROVE THE OFFICE OF ASSESSMENT TO ISSUE A FINE IN THE AMOUNT OF \$100 FOR EACH BUSINESS THAT HAS NOT FILED THE BUSINESS PERSONAL PROPERTY SCHEDULE FOR 2016. MOTION CARRIED 4-0.

Ordinance Amendment – Second Reading and Public Hearing, Chapter 19 (Cemetery Ordinance). Elwell said that at the June 7 Selectboard meeting, the Board held a first reading of proposed changes to the Brattleboro Code of Ordinances, Chapter 19 (Cemetery Ordinance). He said that the Board was asked to conduct a second reading and hold a public hearing on the amendments to the Ordinances. Town Clerk Cappy summarized the amendments that were requested by the Cemetery Committee. There was a brief discussion by the Board.

Gartenstein reviewed the summary of amendments that would be published in the Brattleboro Reformer. He then opened the public hearing.

There was no public comment.

Gartenstein closed the public hearing.

MOTION BY KATE O'CONNOR TO APPROVE THE AMENDMENTS TO BRATTLEBORO CODE OF ORDINANCES CHAPTER 19 (CEMETERY), AS PRESENTED. MOTION CARRIED 4-0.

Accept and Appropriate Grant – Justice Assistant Grant (JAG), Police Department. Elwell said that the Board was asked to accept and appropriate a JAG grant in the amount of \$19,161 from the Department of Justice. There was no discussion by the Board.

MOTION BY RICHARD DEGRAY TO ACCEPT AND APPROPRIATE A JAG GRANT IN THE AMOUNT OF \$19,161 FROM THE DEPARTMENT OF JUSTICE FOR THE PURCHASE OF BALLISTIC VEST CONTAINMENT SYSTEM EQUIPMENT. MOTION CARRIED 4-0.

Accept and Appropriate Grant – VT Dept of Public Safety CDIP Grant, Police Department. Elwell said that the Board was asked to accept and appropriate a Community Drug Interdiction Program CDIP grant in the amount of \$85,000 from the Vermont Department of Public Safety to support drug related criminal investigations. There was no discussion by the Board.

MOTION BY JOHN ALLEN TO ACCEPT AND APPROPRIATE A CDIP GRANT IN THE AMOUNT OF \$85,000 FROM THE VERMONT DEPARTMENT OF PUBLIC SAFETY TO SUPPORT DRUG RELATED CRIMINAL INVESTIGATIONS. MOTION CARRIED 4-0.

Accept and Appropriate Grant – Vermont Community Foundation Crosby-Gannett Fund for Dog Park.
Approve Grant Application – PetSafe Bark for Your Park Grant, Recreation & Parks.
Approve Grant Application – VT 2017 Building Community Grant Program – Recreational (Dog Park), Recreation & Parks.

Elwell said that the Board was asked to (1) accept and appropriate a Crosby-Gannett Fund Grant in the amount of \$1,000 from the Vermont Community Foundation, (2) approve a grant application in the amount of \$25,000 for a Bark for Your Park Grant from PetSafe, and (3) approve a grant application in the amount of \$7,200 for a Recreational Facilities Grant from the Vermont 2017 Building Community

Grant, all in support the establishment of a dog park within Living Memorial Park. There was a brief discussion by the Board. Administration was asked to report to the Board in a future meeting on the status of the fundraising and permits for the dog park and skatepark.

MOTION BY KATE O’CONNOR (1) TO ACCEPT AND APPROPRIATE A CROSBY-GANNETT FUND GRANT IN THE AMOUNT OF \$1,000 FROM THE VERMONT COMMUNITY FOUNDATION TO SUPPORT THE ESTABLISHMENT OF A DOG PARK WITHIN LIVING MEMORIAL PARK; AND

(2) TO AUTHORIZE A GRANT APPLICATION IN THE AMOUNT OF \$25,000 TO PETA SAFE FOR A BARK FOR YOUR PARK GRANT TO SUPPORT THE ESTABLISHMENT OF A DOG PARK WITHIN LIVING MEMORIAL PARK; AND

(3) TO AUTHORIZE A GRANT APPLICATION FOR A RECREATIONAL FACILITIES GRANT IN THE AMOUNT OF \$7,200 TO THE STATE OF VERMONT BUILDING AND COMMUNITY GRANT PROGRAM TO SUPPORT THE ESTABLISHMENT OF A DOG PARK WITHIN LIVING MEMORIAL PARK. MOTION CARRIED 4-0.

Award Bid – Demolition of 805 Western Avenue. Moreland said that the Board was asked to award a bid to Bernie LaRock and Son, Inc. of Guilford, Vermont for the demolition and disposal of all structures at 805 Western Avenue. He said that the property was damaged in Tropical Storm Irene and the demolition project was funded 100% by a combination of grants from Vermont Emergency Management and Community Development Block Grant-Disaster Recovery. He said that the Town was obligated to remove all standing structures within 90 days of the Town’s acquisition of the property that occurred on May 11 and he spoke about the requirements for demolition. There was a brief discussion by the Board.

MOTION BY RICHARD DEGRAY TO AWARD A BID TO BERNIE LAROCK AND SON, INC. OF GUILFORD, VERMONT IN THE AMOUNT OF \$30,200 FOR THE DEMOLITION OF 805 WESTERN AVENUE. MOTION CARRIED 4-0.

Ratification of Collective Bargaining Agreements for Period Ending June 30, 2019

- (i) *New England Police Benevolent Association, Local 412.*
- (ii) *International Union of Operating Engineers, Local 98.*
- (iii) *United Steel Workers, Local 944.*

Elwell said that the Board was asked to approve three tentative collective bargaining agreements with employees with the Police Department (Local 412), Recreation & Parks / Public Works Departments (Steelworkers Union Local 944), and Administration (Engineers Local 98). Gartenstein discussed the process and intentions in negotiating the Agreements. Elwell spoke about many matters contained in the agreements, including financial savings to the Town, wage increases, and improved benefits to employees. He thanked the employees and Assistant Town Manager Moreland for their hard work through a difficult process in successfully reaching agreements.

MOTION BY DAVID GARTENSTEIN TO APPROVE A THREE AND A HALF YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE NEW ENGLAND POLICE BENEVOLENT ASSOCIATION, LOCAL 412, EFFECTIVE JANUARY 1, 2016 THROUGH JUNE 30, 2019, AS PRESENTED. MOTION CARRIED 4-0.

MOTION BY DAVID GARTENSTEIN TO APPROVE A THREE YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 98, EFFECTIVE JULY 1, 2016 THROUGH JUNE 30, 2019, AS PRESENTED. MOTION CARRIED 4-0.

MOTION BY DAVID GARTENSTEIN TO APPROVE A THREE YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE UNITED STEELWORKERS, LOCAL 944, EFFECTIVE JULY 1, 2016 THROUGH JUNE 30, 2019, AS PRESENTED. MOTION CARRIED 4-0.

Pay and Benefit Changes for Non-Union Employees

- (i) 2% Across the Board Pay Increase, Effective July 1, 2016.
- (ii) Enrollment in Vermont Municipal Employees Retirement System (VMERS) (Plan B), Effective October 1, 2016.
- (iii) Authorization for Non-Exempt Non-Union Employees to Participate (Pro Rata) in the Longevity Pay Benefit to be Implemented for Local 98.

Elwell said that the Board was asked to consider wage and benefit enhancements for non-union employees. He said that wages and benefits of non-union employees would be similar to those contained in the various employees' unions. He discussed some of the details regarding wages and benefits.

MOTION BY DAVID GARTENSTEIN (1) TO APPROVE A 2% WAGE INCREASE FOR ALL NON-UNION EMPLOYEES;

(2) TO AUTHORIZE ALL ELIGIBLE NON-UNION EMPLOYEES TO PARTICIPATE IN THE VERMONT MUNICIPAL EMPLOYEE RETIREMENT SYSTEM (VMERS), PLAN B, EFFECTIVE OCTOBER 1, 2016;

(3) TO AUTHORIZE NON-EXEMPT NON-UNION EMPLOYEES TO PARTICIPATE ON A PRO-RATA BASIS IN THE SAME LONGEVITY PAY BENEFIT PROGRAM TO BE IMPLEMENTED FOR LOCAL 98. MOTION CARRIED 4-0.

Committee Appointments. Gartenstein said that the Board was asked to appoint volunteer members to various Town committees effective July 1, and he thanked the many applications for their willingness to serve.

MOTION BY DAVID GARTENSTEIN TO APPOINT MEMBERS TO COMMITTEES AS FOLLOWS:

ADAM SALVIANI, DALE JOY, AND SCOTT CASTLE TO THE ARTS COMMITTEE FOR TERMS ENDING 6/19;

KATHLEEN SNOW AND BRIAN BANNON TO THE CEMETERY COMMITTEE [TERMS ENDING 6/19];

BEN COPLAN AND DARAH KEHNEMUYI TO THE CITIZEN POLICE COMMUNICATIONS COMMITTEE (CPCC) FOR TERMS ENDING 6/18;

MICHAEL GOUIN AND GEORGE REED-SAVORY TO THE DEVELOPMENT REVIEW BOARD FOR TERMS ENDING 6/19;

MICHAEL BOSWORTH TO THE ENERGY COMMITTEE FOR A TERM ENDING 6/18, AND THOMAS FINNELL TO THE ENERGY COMMITTEE FOR A TERM ENDING 6/17;

PAUL CAMERON AS ENERGY COORDINATOR FOR A TERM ENDING 6/17;

HARRINGTON S. "TIM" KIPP AS FENCE VIEWER FOR A TERM ENDING 6/17;

SHERWOOD LAKE, SR. AND E. DAVID WRIGHT ON THE HONOR ROLL FOR TERMS ENDING 6/17;

CHRIS GROTKE AS INSPECTOR OF LUMBER, SHINGLES & WOOD FOR A TERM ENDING 6/17;

KATHARINE MANTHEI AUDLIN AND CASEY BERG TO THE PLANNING COMMISSION FOR TERMS ENDING 6/20;

DEBRA CHAPMAN AS RESCUE, INC., TRUSTEE, FOR A TERM ENDING 6/17;

BARBARA WOODS TO THE SENIOR SOLUTIONS BOARD FOR A TERM ENDING 6/17;

**BOB EVERINGHAM AND GEORGIA MORGAN TO THE TREE ADVISORY COMMITTEE FOR TERMS ENDING 6/19, AND
ROBERT CLEMENTS TO THE TREE ADVISORY COMMITTEE FOR A TERM ENDING 6/17;**

TIMOTHY J. O'CONNOR AS WEIGHER OF COAL [FOR A TERM ENDING 6/17];

IN-HOUSE POSITIONS:

PETER ELWELL AS COLLECTOR OF TAXES FOR A ONE-YEAR TERM;

CATHY BARROWS AS POUNDKEEPER FOR A ONE-YEAR TERM;

STEVE BARRETT AS ROAD COMMISSIONER FOR A ONE-YEAR TERM;

BRIAN BANNON AS ZONING ADMINISTRATIVE OFFICER FOR A THREE-YEAR TERM.

MOTION CARRIED 4-0.

Other Business

DeGray asked about an accident in the Price Chopper parking lot mentioned in the Police Department monthly report and asked if the Town would be reimbursed for the damage. Elwell said that it was the Town's policy to attempt to collect for such damages. There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 7:45PM. MOTION CARRIED 4-0.

David Schoales, Clerk