

**BRATTLEBORO SELECTBOARD
TUESDAY, OCTOBER 27, 2015
EXECUTIVE SESSION – 5:15PM
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Planning Director Rod Francis, Planner Sue Fillion, Town Assessor Russell Rice, Police Captain Mark Carignan, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA, Chris Mays representing the Brattleboro Reformer, and Olga Peters representing The Commons.

Others present: James Banslaben, Mike Lacroix, Mel Martin, James Cumming, Sharon Couturier, Rachel Zamore, Kathy Urffer, Cassandra Holloway, Eli Gould, Jon Julian, Dana Holby, Dennis Smith, Louise Zak, Mel Storm, Franz Reichsman, James Valente, Elizabeth McLoughlin, Brandy Saxton, ASL Interpreters Janet Dickinson and Deb Charlea Baker, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:15pm 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 CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, AND APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN, SELECTBOARD, AND OTHER PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 5-0.

Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY DAVID SCHOALES TO APPROVE THE MINUTES FROM SEPTEMBER 29, 2015 AND OCTOBER 6, 2015 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein noted that the downtown sidewalk reconstruction project was substantially complete. He thanked the public for their patience in weathering the disruption, Zaluzny Construction, and the Public Works Department. He commented that the improvements would long serve the Town's sidewalk infrastructure. He also thanked the employees of the Public Works Department for their substantial work during the summer paving and drainage projects.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Kate O'Connor read a proposed proclamation in support of Small Business Saturday and asked for the Board's support. The Board agreed to support the proclamation.

David Schoales said the WSWMD Board had two meetings scheduled during the week but had no report to give at this time.

PUBLIC PARTICIPATION

None.

NEW BUSINESS

Finance Report – Monthly Report – September. Finance Director John O'Connor was present and discussed the September financial report. There was a brief discussion by the Board. Gartenstein noted that the Selectboard would discuss the FY17 budget every Tuesday through mid-December. Elwell said that the proposed FY17 budget would be available on Monday, November 2.

NO ACTION TAKEN.

Police – Fire Facilities Project - Option Agreement and Public Meeting Schedule. Gartenstein said that the proposed Option Agreement was still under discussion by the parties' attorneys so the matter was not available for discussion at this time. He said that the Agreement may be available by the November 3 meeting. There was a brief discussion by the Board.

Elwell said that the Selectboard had previously made clear its expectation that a series of public meetings would be held to restate the need, describe alternatives, and receive public comment on the Police–Fire Facilities Project. He announced the meetings had been scheduled as follows:

Saturday, November 21 at 9:00 am - tentatively at Green Street School
Monday, November 30 at 6:00 pm - Academy School
Wednesday, December 2 at 6:00 pm – Brattleboro Area Middle School

Gartenstein said that a range of alternatives for the project was being considered, including the project as originally anticipated, lower priced alternatives, possibly moving the Police Department to a Putney Road location, or to provide minimal life-safety improvements to the facilities. He said the Board was asking members of community to attend the meetings to discuss the options and provide their opinions so the Board could define options to provide to Representative Town Meeting. Gartenstein asked the Town Manager to investigate the cost of a possible postcard mailing to residents informing them of the public meetings. Louise Zak, a new resident in Town, encouraged the Board to provide an executive summary to the public providing options, costs, and impact on the tax rate, and she encouraged posting the information on the Town's website, providing it to the press and ibattleboro, and using social media, if possible.

NO ACTION TAKEN.

Engineering Services Contracts for Brownfields Grant Work – Planning Department. Planning Director Rod Francis and Planner Sue Fillion, were present to discuss brownfields program contracts with three environmental firms in order to begin building an administrative structure for brownfields structures within the Town. Francis said that Brattleboro recently was awarded a grant in the amount of \$400,000 from the Environmental Protection Agency (EPA) to conduct assessments of potential brownfield sites and it was his recommendation that the assessments be performed by a select group of prequalified engineering firms. He said that three firms that responded to a Request for Qualifications (RFQ) issued in August were being recommended by the Selection Committee who reviewed the submissions, conducted interviews, and graded the firms using the scoring matrix published in the RFQ. He said that the Board was asked to extend a contract to each of the three firms including Terracon Consultants, Inc., Sanborn Head and Associates, Inc., and, LE Environmental LLC. He said that the selected firms would be able to compete for projects on a project-by-project basis. There was some discussion by the Board about the qualifications of the three selected firms.

MOTION BY DONNA MACOMBER TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN ENVIRONMENTAL SERVICES CONTRACT WITH TERRACON CONSULTANTS, INC., SANBORN HEAD ASSOCIATES, INC., AND LE ENVIRONMENTAL LLC, TO PROVIDE ENVIRONMENTAL SERVICES TO THE BRATTLEBORO BROWNFIELDS PROGRAM. MOTION CARRIED 5-0.

Francis said that the cost of performing Phase One Environmental Assessments was fairly predictable and would fall within the authority of staff to authorize; however, the cost of Phase Two Environmental

Assessments could be difficult to predict and may exceed the \$10,000 limit of staff authority. He said that for a brownfields project to be successful, it must be responsive to what would likely be a pending land transaction, so the Planning Department recommended that the Board delegate to the Town Manager the authority to execute task orders even if the orders exceeded \$10,000 in value. Elwell and Fillion provided some clarification to the process and potential sites. Liz McLoughlin noted that the grant was beneficial to the health and safety of the Town and was a benefit to the development community. There was some discussion by the Board.

MOTION BY JOHN ALLEN TO DELEGATE TO THE TOWN MANAGER THE AUTHORITY TO EXECUTE TASK ORDERS WITH PREQUALIFIED FIRMS UNDER EACH ENVIRONMENTAL SERVICES CONTRACT.

Gartenstein offered a friendly amendment to the motion to add at the end, “even when the amount of such task orders exceed \$10,000.” Allen accepted the friendly amendment.

AMENDED MOTION BY JOHN ALLEN TO DELEGATE TO THE TOWN MANAGER THE AUTHORITY TO EXECUTE TASK ORDERS WITH PREQUALIFIED FIRMS UNDER EACH ENVIRONMENTAL SERVICES CONTRACT EVEN WHEN THE AMOUNT OF SUCH TASK ORDERS EXCEED \$10,000. MOTION CARRIED 5-0.

Proposed Zoning Code/Land Use Regulations (LUR) – Planning Department.

Gartenstein opened the public hearing on the proposed Zoning Code/Land Use Regulations (LURs) amendments.

Gartenstein spoke about the significance of Zoning Ordinances and said that the current ordinances, with many revisions, had been in effect for about 30 years. He discussed the procedure for amending the Zoning Code and adoption of the LURs, including the Planning Commission’s work and the holding of several public meetings for public comment on the amendments. He said that the Selectboard was required to hold at least one more public hearing but that it would hold two, including the meeting tonight and the Selectboard meeting on November 10. He said that after the November meeting, the Board could approve the LURs as presented, or make minor changes, or send them back to the Planning Commission for more substantive changes. He said that the procedure for tonight would be to hear a presentation from Zoning Director Francis, Planner Fillion, and Land Use Consultant Brandy Saxton, then allow members from the Planning Commission to speak, then hear from the public. He noted that several members from the Planning Commission were in attendance – Elizabeth McLoughlin (Chair), James Valente (Vice-Chair), Rachel Zamore, and Kathy Urffer – and he thanked them for their substantial amount of work over the past 1-1/2 years.

Francis, Fillion, and Saxton spoke at length about the history of the current zoning regulations, the requirement for consistency between the LURs and the Town Plan, statutory requirements, the need for the amendments, and the amendment process as more particularly outlined in Francis’ October 21 memo. They provided a PowerPoint presentation with an overview of the amended LURs and discussed in detail many portions of the LURs.

Gartenstein invited members of the Planning Commission to speak. James Valente and Liz McLoughlin provided their comments and opinions and spoke in favor of the LUR amendments.

Gartenstein opened the public discussion. Dana Holby, Cassandra Holloway, Mel Storm, Eli Gould, Dennis Smith, Michael Lacroix, Mel Martin, and Jon Julian offered their opinions, asked questions, and spoke at length about their concerns. Members of the Selectboard, Planning Services Department, and the Planning Commission responded to the comments and questions and noted their concerns. People in attendance and members of the public were invited to meet with Planning Services Department staff to review specifics about their properties, projects, and opinions and to better understand how the amended LURs would affect their properties and concerns.

There was substantial discussion by the Board. No action was taken.

Gartenstein closed the public hearing. He announced that the second public hearing would take place at the Selectboard meeting on November 10 starting at 6:15pm.

NO ACTION TAKEN.

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 9:20PM. MOTION CARRIED 5-0.

David Schoales, Clerk