

**BRATTLEBORO SELECTBOARD
TUESDAY, DECEMBER 1, 2015
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Town Assessor Russell Rice, Recreation & Parks Director Carol Lolatte, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA and Chris Mays representing the Brattleboro Reformer.

Others present: James Banslaben, Jan Ameen, Jane Southworth, Bob Spencer, Craig Miskovich, Peter Gaskill, Adam Grinold, Dora Bouboulis, Norm Mallory, Bill Knowles, Lou Brusio, ASL Interpreters Elizabeth Bjerke and Janet Dickinson, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:30pm 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, NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, AND LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, OTHER PEOPLE INVOLVED, AND THE SELECTBOARD AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, ASSISTANT TOWN MANAGER AND TOWN ATTORNEY WERE INVITED TO ATTEND. MOTION CARRIED 4-0.

Gartenstein reconvened the meeting at 6:20pm.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM NOVEMBER 10, NOVEMBER 17, AND NOVEMBER 21, 2015 AS PRESENTED. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Chair Gartenstein thanked members of the public who attended the public information sessions and participated in the discussions about the Police-Fire Project. He said that the third public session was scheduled tomorrow at 6:00pm at Brattleboro Area Middle School in the multipurpose room. He also asked holiday shoppers to shop locally.

MANAGER'S COMMENTS

Town Manager Elwell announced that the new grader had arrived and would be available for the upcoming winter season. He also said that I-91 would be closed between exits 2 and 3 on December 8 (southbound lanes) and December 9 (northbound lanes) so that portion of the interstate could be repaired before winter.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

Tim Johnson announced that Project Feed was underway and he encouraged people to donate whatever food or money they could.

LIQUOR COMMISSIONERS

MOTION BY DAVID SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

Special Event Permit – *Saxtons River Distillery, LLC, Cotton Mill Open House*. Gartenstein said that the Board was asked to approve the application of Saxtons River Distillery, LLC, for a special event permit to provide a tasting bar at Cotton Mill Studios, 74 Cotton Mill Hill, on Friday-Sunday, December 4-6, from 9am to 7pm each day, in conjunction with the Cotton Mill Open Studio and Holiday Sale event. Elwell said that the application had been reviewed and approved by the Police and Fire Departments. There was no discussion by the Board.

MOTION BY KATE O’CONNOR TO APPROVE A SPECIAL EVENT PERMIT FOR SAXTONS RIVER DISTILLERY TO PROVIDE A TASTING BAR AT COTTON MILL STUDIOS, 74 COTTON MILL HILL, ON FRIDAY THROUGH SUNDAY, DECEMBER 4, 5, AND 6, 2015, FROM 9AM TO 7PM EACH DAY, IN CONJUNCTION WITH THE COTTON MILL OPEN STUDIO AND HOLIDAY SALE EVENT. MOTION CARRIED 4-0.

MOTION BY JOHN ALLEN TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

WATER AND SEWER COMMISSIONERS

MOTION BY KATE O’CONNOR TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.

Award Utility Equipment Bids – *Department of Public Works*. Elwell said that the Board was asked to approve bid awards for four pieces of equipment, including a compact trailer, service truck, dump truck, and Bobcat Toolcat work machine, and he discussed some details in the bids. He also said that the bid for a fifth piece of equipment (12-ton tag along trailer) had been rejected because only one bid was received and it was above the budget, so he expected that it would go out for re-bid. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE AWARD OF BIDS AND AUTHORIZE THE TOWN MANAGER TO PROCEED WITH THE FOLLOWING: (1) TO PURCHASE A COMPACT TRAILER WITH OPTIONS FROM SALEM FARM SUPPLY OF SALEM, NEW YORK, IN THE AMOUNT OF \$39,044; (2) TO PURCHASE A SERVICE TRUCK WITH WARRANTIES FROM SHEARER CHEVROLET OF SOUTH BURLINGTON, VERMONT, IN THE AMOUNT OF \$43,298, (3) TO PURCHASE AN INTERNATIONAL DUMP TRUCK WITH VIKING EQUIPMENT PACKAGE FROM DELUREY SALES OF HOOSICK FALLS, NEW YORK, IN THE AMOUNT OF \$100,590, AND (4) TO PURCHASE A BOBCAT TOOLCAT WORK MACHINE FROM BOBCAT OF GREATER SPRINGFIELD OF WEST SPRINGFIELD, MASSACHUSETTS, IN THE AMOUNT OF \$55,604. MOTION CARRIED 4-0.

MOTION BY DAVE SCHOALES TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.

UNFINISHED BUSINESS

Police-Fire Facilities Project - *Discussion*. Gartenstein said that the Board held two public information sessions and asked the Board to discuss any comments or questions that arose from the meetings. There was some discussion by the Board about the public sessions. Gartenstein discussed some potential steps to proceed to Representative Town Meeting and/or a public referendum on the project. There was further discussion about proceeding forward. The Board agreed to continue discussions about the project at several upcoming meetings.

NO ACTION TAKEN.

NEW BUSINESS

Elliot Street Bridge Repair –

- (i) *VTrans' Alternatives*
- (ii) *Right-of-Way and Finance and Maintenance Agreement*

Gartenstein said that the matter would be deferred to the December 15 meeting because the VTrans representative was unable to attend this meeting due to weather and travel conditions in northern Vermont.

NO ACTION TAKEN.

Accept and Appropriate Grant – Better Back Roads Grant, Department of Public Works. Elwell said that the Board was asked to accept and appropriate a \$4,000 Better Back Roads grant from VTrans to inventory, prioritize, and develop a capital budget plan for road related erosion problems affecting water quality, and to identify any related permitting or right-of-way issues. There was no discussion by the Board.

MOTION BY KATE O’CONNOR TO ACCEPT AND APPROPRIATE A \$4,000 BETTER BACK ROADS GRANT FROM VTRANS TO INVENTORY, PRIORITIZE, AND DEVELOP A CAPITAL BUDGET PLAN FOR ROAD RELATED EROSION PROBLEMS AFFECTING WATER QUALITY, AND TO IDENTIFY ANY RELATED PERMITTING OR RIGHT-OF-WAY ISSUES. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE.)

GS Precision/Brattleboro Development Credit Corporation (BDCC) – Exit 1 Industrial Park

- (i) *Tax Stabilization Agreement*
- (ii) *Approve Loan Agreement*
- (iii) *Approve Sale of Lots 2B, the Pond Lot, and the Parking Rights of Lot 6*
- (iv) *Discharge of Mortgages on Lots 2B, the Pond Lot, and Lot 6*

Elwell reviewed the efforts between the Town, State, Brattleboro Development Credit Corporation (BDCC), G.S. Precision, and other entities regarding the expansion of G.S. Precision and the retention of that business in Brattleboro which was expected to create about 100 additional jobs. Assistant Town Manager Moreland spoke about the complicated process and discussions between the parties, and he discussed in detail the proposed two tax stabilization agreements as outlined in his memo dated November 18. Dora Bouboulis provided her comments and opinions. There was some discussion by the Board.

MOTION BY KATE O’CONNOR TO APPROVE THE TAX STABILIZATION AGREEMENT BETWEEN BRATTLEBORO DEVELOPMENT CREDIT CORPORATION REAL ESTATE HOLDINGS, INC., AND THE TOWN OF BRATTLEBORO TO PROVIDE 10 YEARS OF STABILIZATION OF THE VALUE OF THE NEW IMPROVEMENTS AT G.S. PRECISION’S EXIT 1 INDUSTRIAL PARK FACILITIES AT 35% OF THE FAIR MARKET VALUE FOR THOSE NEW IMPROVEMENTS. THIS AGREEMENT SHALL APPLY ONLY TO MUNICIPAL TAX ASSESSMENT AND NOT TO THE EDUCATION PROPERTY TAX. MOTION CARRIED 4-0.

MOTION BY KATE O’CONNOR TO APPROVE THE BUSINESS PERSONAL PROPERTY TAX STABILIZATION AGREEMENT BETWEEN BRATTLEBORO DEVELOPMENT CREDIT CORPORATION REAL ESTATE HOLDINGS, INC., AND THE TOWN OF BRATTLEBORO TO PROVIDE 10 YEARS OF STABILIZATION OF THE VALUE OF NEW EQUIPMENT TO BE INSTALLED AT G.S. PRECISION’S EXIT 1 INDUSTRIAL PARK FACILITIES AT 25% OF THE ORIGINAL FAIR MARKET VALUE FOR THAT NEW EQUIPMENT. THIS AGREEMENT SHALL APPLY ONLY TO MUNICIPAL TAX ASSESSMENT AND NOT TO THE EDUCATION PROPERTY TAX. MOTION CARRIED 4-0.

Moreland then spoke about the proposed loan agreement in connection with the G.S. Precision expansion and said that the Board was asked to approve the loan agreement. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE A LOAN AGREEMENT BETWEEN G.S. PRECISION AND THE TOWN OF BRATTLEBORO FOR A \$200,000 LOAN FROM THE TOWN'S PROGRAM INCOME FUND. THE LOAN SHALL INCUR 3% INTEREST AND SHALL BE REPAYED IN 7 YEARS, IN ACCORDANCE WITH A REPAYMENT SCHEDULE THAT IS SET FORTH IN AN ATTACHMENT TO THE AGREEMENT. MOTION CARRIED 4-0.

Moreland spoke about the creation and development of Exit 1 Industrial Park in the 1980s and he discussed some mortgages held by the Town from BDCC on lots at Exit 1 Industrial Park. He said that the lots did not sell as anticipated and in 1996 another agreement had been agreed upon by the parties for future sale of lots, including net proceeds, if any, being paid to the Town at the time of sale. He said that with the expansion of G.S. Precision, additional lots were necessary but that carrying costs over the years for those lots were greater than the sale price and no net proceeds would be paid to the Town. He said that the Board was asked to approve the sale of the lots and two partial discharges of mortgage on the lots. He said the details were also set forth in his memorandum dated November 18. Adam Grinold (from BDCC) thanked the Town for its collaboration on this project. There was some discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE THE SALE OF LOT 2B, THE POND LOT, AND PARKING RIGHTS ON LOT 6, FROM THE BRATTLEBORO DEVELOPMENT CREDIT CORPORATION TO BRATTLEBORO DEVELOPMENT CREDIT CORPORATION REAL ESTATE HOLDINGS, INC. MOTION CARRIED 4-0.

MOTION BY KATE O'CONNOR TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A PARTIAL DISCHARGE OF THE MORTGAGE FROM THE BRATTLEBORO DEVELOPMENT CREDIT CORPORATION RECORDED IN THE BRATTLEBORO LAND RECORDS ON NOVEMBER 7, 1984, AT VOLUME 181, PAGE 148, AND THE MORTGAGE FROM THE BRATTLEBORO DEVELOPMENT CREDIT CORPORATION RECORDED ON NOVEMBER 6, 1992, AT VOLUME 231, PAGE 664, FOR LOT 2B, THE POND LOT, AND PARKING RIGHTS ON LOT 6. MOTION CARRIED 4-0.

MOTION BY DAVID SCHOALES TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A PARTIAL DISCHARGE OF THE MORTGAGE FROM THE BRATTLEBORO DEVELOPMENT CREDIT CORPORATION RECORDED IN THE BRATTLEBORO LAND RECORDS ON JULY 9, 1996, AT VOLUME 255, PAGE 153, FOR PARKING RIGHTS ON LOT 6. MOTION CARRIED 4-0.

Errors and Omissions to Grand List – Approval, Assessor's Office. Town Assessor Rice said that the Board was asked to approve the errors and omissions report dated November 5, 2015. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE THE CORRECTION OF ERRORS AND OMISSION ON THE TOWN OF BRATTLEBORO'S 2015 GRAND LIST IN ACCORDANCE WITH THE MEMORANDUM DATED NOVEMBER 5, 2015, FROM TOWN ASSESSOR RUSSELL RICE AND THE SPREADSHEET ATTACHED TO THAT MEMORANDUM. MOTION CARRIED 4-0.

At this time, the Board agreed to adjust the agenda and move the discussion regarding solid waste matters to a point later in the meeting.

Ratify Town Manager's Approval of Emergency Purchase of Replacement 100 HP Compressor at Nelson Withington Skating Rink. Elwell said that the Board was asked to ratify his approval of the emergency purchase of a 100 HP compressor at the Nelson Withington Skating Rink to replace a damaged compressor. He said that the damage was due to a third party's error and the Town would seek damages from that party. He said that due to the start of the skating program, he authorized placement of an emergency order in the amount of \$15,891. He said that the funds would be paid from the Rink Maintenance Fund and not by taxes. There was some discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO RATIFY THE TOWN MANAGER'S DECISION TO AUTHORIZE AS AN EMERGENCY PURCHASE THE EXPENDITURE OF \$15,891 FROM THE RINK

MAINTENANCE FUND FOR REPLACEMENT OF THE 100HP COMPRESSOR AT THE NELSON WITHINGTON SKATING RINK. MOTION CARRIED 4-0.

Approve Grant Application – *Vermont Community Foundation Small and Inspiring Grant for Dog Park, Recreation & Parks Department.* Elwell said that the Board was asked to approve the application for a \$2,500 grant requested by the supporters of the proposed Town dog park from the “Small and Inspiring Grant Fund” of the Vermont Community Foundation. Bill Knowles inquired about the status of approval of the dog park. Recreation & Parks Director Lolatte said that the local approvals had been obtained and the project needed State approval for the amendment of the Act 250 permit. There was no discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE AN APPLICATION FOR A \$2,500 SMALL AND INSPIRING GRANT FROM THE VERMONT COMMUNITY FOUNDATION TO PAY FOR PURCHASE AND INSTALLATION OF FENCING FOR THE PROPOSED DOG PARK AT LIVING MEMORIAL PARK. MOTION CARRIED 4-0.

Accept and Appropriate Grant – *Community Drug Interdiction Program Grant, Police Department.* Elwell said that the Board was asked to accept and appropriate a \$60,000 Community Drug Interdiction Grant from the Vermont Department of Public Safety that was previously funded by the Federal government. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE A \$60,000 COMMUNITY DRUG INTERDICTION GRANT FROM THE VERMONT DEPARTMENT OF PUBLIC SAFETY. MOTION CARRIED 4-0.

Solid Waste Matters -

- (i) *Collection Contract with Triple T*
 - (a) *Frequency of Garbage Collection*
 - (b) *Single Stream Recycling*
 - (c) *Contract Extension*
- (ii) *Windham Solid Waste Management District (WSWMD) Annual Budget*

Gartenstein said that the Board was asked to review and discuss a number of solid waste issues, including the Windham Solid Waste Management District's (WSWMD's) budget, the Town's assessment, services provided to the Town, frequency of trash pick-ups, and potential cost savings measures. Elwell said that staff recommended that the Board consider a contractual change with Triple T Trucking so that the frequency of trash pick-ups would be reduced to a schedule of every other week (rather than weekly) which could save town approximately \$95,000. He said that due to the success of the curbside recycling and composting programs substantially less trash was being produced. Moreland discussed data pertaining to changes in the amount of trash, recycling and composting over the past two years. Bob Spencer, from WSWMD, spoke about the success of the recycling program. Dora Bouboulis and Jane Southworth provided their opinions and comments. There was some discussion by the Board. The Board agreed to discuss the frequency in trash pick-up at the December 15 Selectboard meeting.

Gartenstein said that the Board was asked to consider the proposed WSWMD budget. He said that a budget dated November 10 was included in the Board's packets, but that a revised budget (dated November 12) was provided to administration earlier today. He asked WSWMD for clarification between the two budgets and the reason that the Town was being charged twice to collect recyclables. Elwell said that with the receipt of the November 12 budget which included an increase in the Town's assessment of \$17,500, the staff's recommendation set forth in the memo in the Board's packets was no longer recommended. He asked for additional time to review the revised budget and form a recommendation accordingly.

There was substantial discussion about the proposed budget, transition to a single stream recycling program, continuation of the dual stream program, and possible closure of the MRF (materials recycling facility). Lou Russo, Bob Spencer and Jan Ameen, from WSWMD, spoke at length about the proposed WSWMD budget, administrative changes made at the WSWMD, costs and revenues, potential changes

of operations in recycling procedures, and changes in the market. Dora Bouboulis, Norm Mallory (from Triple T Trucking), and Jane Southworth provided their comments and opinions.

After a very lengthy discussion, it was agreed that staff would meet with WSWMD representatives as soon as possible to discuss programming and get clarification on the proposed budget.

The Board agreed to add the discussion about the WSWMD's budget to the agenda for the December 8 special Selectboard meeting.

NO ACTION TAKEN.

Committee Appointments – Gartenstein said that the Board was asked to consider appointments to the Development Review Board and the Traffic Safety Committee and those applications were included in the Board's packets. There was no discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO APPOINT KATHRYN TURNAS AS A MEMBER OF THE DEVELOPMENT REVIEW BOARD, TO APPOINT DAVID WHITTLE AS AN ALTERNATE MEMBER OF THE DEVELOPMENT REVIEW BOARD, AND TO APPOINT LOUISE ZAK AS A MEMBER OF THE TRAFFIC SAFETY COMMITTEE. MOTION CARRIED 4-0.

Announce Committee Vacancies – Gartenstein announced vacancies on various boards and committees and asked interested persons to submit applications to the Town Manager's office.

NO ACTION TAKEN.

There was no further business.

MOTION BY DAVID SCHOALES TO ADJOURN AT 9:00PM. MOTION CARRIED 4-0.

David Schoales, Clerk