

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

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

Staff present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Public Works Director Steve Barrett, Planning Director Rod Francis, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer.

Others present: James Banslaben, John Byott, Matthew Goddard, Kerry Suklis, Jan Ameen, Lou Brusco, Louise Zak, Sharon Couturier, Peter Gaskill, Dick DeGray, Norm Mallory, Jay Jacobowitz, Matt Mann, Franz Reichsman, Ted Kramer, Greg Worden, Russ Grabiec, Jennifer Fitch, Jonathan Griffin, Kyle Obenauer, and John Byatt, 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 CONTRACT MATTERS, PENDING OR PROBABLE CIVIL LITIGATION TO WHICH THE BODY IS OR MAY BE A PARTY, AND LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, WHERE PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, SELECTBOARD AND OTHER PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND ASSISTANT TOWN MANAGER WERE INVITED TO ATTEND. MOTION CARRIED 5-0.

Gartenstein reconvened the meeting at 6:15pm. He asked for an adjustment to the agenda to move the VTrans presentation (Item A under New Business) to take place after "Liquor Commissioners" and preceding "Unfinished Business" in order to accommodate the travel schedules of the presenters of that item. The Board agreed to adjust the agenda.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM NOVEMBER 24, NOVEMBER 30, DECEMBER 1, AND DECEMBER 2, 2015 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein noted that the Board had met every week for 9 weeks, and would not meet the week between Christmas and New Year. He also said that two bank robberies had occurred this past week in Wilmington and in Brattleboro. He said that law enforcement was investigating the robberies and would continue to protect the community. He asked that the community work together to maintain a positive community.

MANAGER'S COMMENTS

Town Manager Elwell thanked retiring Library Director Jerry Carbone for his 37 years of service with the Library. He announced that a retirement reception was scheduled on Friday, December 18 from 4:00 to 7:00pm at the Library and that it was open to the community.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

None.

LIQUOR COMMISSIONERS

MOTION BY DONNA MACOMBER TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

First Class Liquor License – Dunch, Inc., d/b/a The Flamingo Diner. Gartenstein said that the Board was asked to approve the first class liquor license for Dunch, Inc., d/b/a The Flamingo Diner, located at 209 Canal Street. Matthew Goddard and Kerry Suklis, owners of the business, were present and discussed their plans for The Flamingo Diner. Elwell said that the application had been approved by staff. There was a brief discussion by the Board.

MOTION BY KATE O’CONNOR TO APPROVE THE FIRST CLASS LIQUOR LICENSE FOR DUNCH, INC., D/B/A THE FLAMINGO DINER, LOCATED AT 209 CANAL STREET. MOTION CARRIED 5-0.

MOTION BY JOHN ALLEN TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

At this point the agenda adjustment was implemented as previously approved.

Elliot Street Bridge Repair –

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

Jennifer Fitch, VTrans’ Scoping Project Manager for Project Initiation and Innovation Team (scoping team for the structures section) and Design Project Manager and Project Manager for Construction, Jonathan Griffin (Scoping Engineer), Kyle Obenauer (Historic Preservation Specialist), and John Byatt from CLD Consulting Engineers, were present and discussed the bridge repair project. Fitch provided an interactive presentation providing information on the Elliot Street Bridge and the deck replacement project, including the current condition of the bridge, the plans, design, and process. She identified and discussed VTrans’ preferred alternative design. She said the project would cost about \$600,000 and the Town would be required to pay a 2½ percent match, or about \$15,000. Other members of the VTrans team discussed other aspects of the project to be considered, including road closures, historic preservation, and design considerations. They said that the project was on an expedited schedule and expected that the work would take about eight weeks probably occurring during the summer of 2016. Dick DeGray provided his comments and opinions. There was much discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO ENDORSE THE PREFERRED ALTERNATIVE FOR DECK REPLACEMENT IN AN EIGHT WEEK PERIOD DURING THE SUMMER OF 2016 AND THAT THE TOWN MANAGER BE AUTHORIZED TO COMMUNICATE THAT ENDORSEMENT TO VTRANS AND TO FINALIZE AND EXECUTE THE FINANCE, RIGHT OF WAY, AND MAINTENANCE AGREEMENT BETWEEN THE STATE OF VERMONT AGENCY OF TRANSPORTATION AND TOWN OF BRATTLEBORO. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

Police-Fire Facilities Project –

- (i) *Should the Projects be Divided and Phased?*
- (ii) *Does the Selectboard Want/Need Any Additional Alternatives?*
- (iii) *Schedule for Decisions, Warning Approval, Straw Poll, and Representative Town Meeting Action.*

Gartenstein asked the Board to discuss and determine how to proceed with the Police-Fire Facilities Project. There was discussion about dividing and phasing the project and whether additional alternatives should be considered, including a cost alternative between the minimum prudent level and the full project. There was much discussion by the Board, including the costs of proposed alternatives, obtaining public input on how to proceed with the project, agreeing on a preferred alternative, potential increased project costs due to delays, scheduling a special Representative Town Meeting, scheduling another public

session, and adding a non-binding item on the March 1 ballot. Dick DeGray, Louise Zak, and Franz Reichsman provided their opinions and comments. The Board agreed to continue the discussions at upcoming Selectboard meetings.

NO ACTION TAKEN.

Solid Waste Matters –

- (i) *Windham Solid Waste Management District (WSWMD) Proposed FY17 Budget*
- (ii) *Collection Contract with Triple T Trucking*
 - (a) *Frequency of Garbage Collection*
 - (b) *Single Stream Recycling*
 - (c) *Contract Extension*

Elwell said that staff and Selectboard member John Allen attended a very productive meeting at the Windham Solid Waste Management District (WSWMD) on December 10 where the WSWMD Board discussed analyzing the development of a fee-for-services revenue model. He said that other municipal representatives agreed to explore the process and consideration of a fee-for-services component. The WSWMD Board proposed creating a committee of five people (two from the Town of Brattleboro and three other members from the WSWMD Board of Supervisors) to review the fee-for-services component by July 1 for presentation to the full WSWMD Board prior to formation of the FY18 budget. Elwell said that staff supported approving the WSWMD FY17 budget at this time in order to provide time to work collectively on possibly modifying the fee structure and procedure for FY18. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES TO ACCEPT THE PROPOSED FY17 WINDHAM SOLID WASTE MANAGEMENT DISTRICT BUDGET. MOTION CARRIED 5-0.

Elwell said that the WSWMD Board asked the Selectboard to appoint a Selectboard member and staff member to the newly formed WSWMD fee-for-service committee. He suggested appointing Dave Schoales and Patrick Moreland as voting members to the committee. He said that he and Finance Director John O'Connor would fully participate in the committee's study and progress. There was no discussion by the Board.

DAVID GARTENSTEIN NOMINATED DAVID SCHOALES (OR HIS DESIGNEE) AND PATRICK MORELAND (OR HIS DESIGNEE) TO BE MEMBERS OF THE WINDHAM SOLID WASTE MANAGEMENT DISTRICT FEE-FOR-SERVICE STUDY GROUP. NOMINATION CARRIED 5-0.

Triple T Trucking Matters – Elwell said that at the December 1 Selectboard meeting, the Board deferred consideration of this matter to the December 15 meeting so that it could be considered in the context of the WSWMD's budgetary matters. He said that no action was being requested at this time but that he would continue to discuss with Triple T the reduction of garbage collection to every other week and disposal of recyclables. He said that in exchange, Triple T was requesting a five-year extension to the contract. He asked for the Board's authority to finalize the proposed contract and bring it back to the Board in January for approval. Gartenstein noted that the reduction in the frequency of trash collection would be a service cut but that it was supported by the reduction in the amount of trash being generated due to the success of the curbside recycling and composting programs, and that it would result in a savings of nearly \$100,000 per year. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO AUTHORIZE THE TOWN MANAGER TO ENGAGE IN NEGOTIATIONS WITH TRIPLE T TRUCKING AND BRING BACK A PROPOSED CONTRACT THAT WILL PROVIDE FOR TRASH COLLECTION EVERY OTHER WEEK WITH A CORRESPONDING EXTENSION OF THE TERM OF THE CONTRACT. MOTION CARRIED 5-0.

NEW BUSINESS

Award Contract – Green Street Retaining Wall, Department of Public Works. Public Works Director Barrett said that the Board was asked to award the bid for the Green Street retaining wall project to Renaud Brothers, of Vernon Vermont, for a total of \$386,379, which included Alternate 2 (sidewalk

replacement). He said that five bids were received and Renaud Brothers submitted the lowest bid. He briefly discussed the project. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO AWARD THE BID FOR THE GREEN STREET RETAINING WALL PROJECT, INCLUDING ALTERNATE 2 (SIDEWALK REPLACEMENT), TO RENAUD BROTHERS OF VERNON, VERMONT, FOR A TOTAL AMOUNT OF \$386,379. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Financial Report – Monthly Report, November. Finance Director O'Connor presented and discussed the November financial report. There was a brief discussion by the Board.

NO ACTION TAKEN.

Community Development Block Grant – Approve Enhancement Request, Portfolio Enhancement III, Windham & Windsor Housing Trust VCDP Implementation Grant. Prior to the discussion, Elwell announced that his wife was an employee of the Windham & Windsor Housing Trust (WWHT) and that this matter did not pose a conflict but he would disclose any potential conflicts posed in the future. He said that the Board was asked to authorize a \$45,000 enhanced application request to the Vermont Community Development Program (VCDP) to support the Windham & Windsor Housing Trust (WWHT) Portfolio Enhancement III project, as set forth in the memo dated December 7 from Assistant Town Manager Patrick Moreland. He briefly discussed the need for the funding in order to complete the project. There was no discussion by the Board.

MOTION BY KATE O'CONNOR TO AUTHORIZE A \$45,000 ENHANCED APPLICATION REQUEST TO THE VERMONT COMMUNITY DEVELOPMENT PROGRAM TO SUPPORT THE WINDHAM & WINDSOR HOUSING TRUST PORTFOLIO ENHANCEMENT III PROJECT. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Downtown Brattleboro Alliance (f/k/a Downtown Alliance and Building a Better Brattleboro) – Work Plan, Budget and Town Meeting Article. Kate O'Connor announced that she was an ex-officio member of the Downtown Brattleboro Alliance (DBA) due to her employment with the Brattleboro Area Chamber of Commerce so she recused herself from voting on this matter. Ted Kramer, Dick DeGray and Greg Worden, members of the DBA, were present. Kramer provided a brief overview of DBA and its work, and the development of the budget and work plan. Worden thanked DeGray and other volunteers for their work in beautifying the downtown area, and he invited members of the public to contact DBA with questions or concerns. DeGray discussed the downtown beautification program, proposed FY17 budget and work plan. He referred to an e-mail from Michelle Simpson-Siegel that was received by the Board this afternoon addressing surplus funds and he discussed plans to expend those funds. Gartenstein inquired whether the surplus mentioned in the e-mail was contained in the budget and he asked about the source of the surplus. There was some discussion by the Board and DBA representatives. It was agreed that the Town Manager would meet with DBA representatives to review the surplus funds, and the matter would be added to the January 5, 2016 agenda for further discussion and possible approval.

NO ACTION TAKEN.

Hazard Mitigation Plan - Approval. Planning Director Francis said that the Board was asked to adopt the Local Hazard Mitigation Plan (LHMP), entitled "2015 All Hazard Mitigation Plan, Town of Brattleboro, Windham County, Vermont." He briefly reviewed the LHMP and said that the LHMP was approved by FEMA Region 1, pending adoption by the Board. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO ADOPT THE LOCAL HAZARD MITIGATION PLAN, ENTITLED "2015 ALL HAZARD MITIGATION PLAN, TOWN OF BRATTLEBORO, WINDHAM COUNTY, VERMONT." MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Design Review Committee – Creation and Schedule for Appointments. Planning Director Francis said that the newly adopted Land Use Regulations (LUR) established a Historic Resource Overlay District which provided for design review, as set forth in his memo dated December 2. He briefly reviewed the new district and purpose in establishing a Design Review Committee of three members with 3-year terms.

He said that candidates would require certain backgrounds and/or credentials. He asked the Board to announce vacancies on the committee and accept applications until January 14 with interviews (if necessary) and appointments to be made at the Selectboard meeting on January 19, 2016. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO APPROVE ESTABLISHMENT OF A DESIGN REVIEW COMMITTEE OF THREE MEMBERS WITH 3-YEAR TERMS AND STAGGERED TERMINATION DATES, WITH APPOINTMENT OF SAID THREE MEMBERS TO OCCUR ON JANUARY 19, 2016. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

There was no further business.

MOTION BY DONNA MACOMBER TO ADJOURN AT 9:00PM. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

David Schoales, Clerk