

**BRATTLEBORO SELECTBOARD
TUESDAY, DECEMBER 16, 2014
EXECUTIVE SESSION – 6:00PM
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff present: Interim Town Manager Patrick Moreland, Finance Director John O'Connor, Police Chief Mike Fitzgerald, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Recreation & Parks Director Carol Lolatte, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Captain Mark Carignan, Library Director Jerry Carbone, Executive Secretary Jan Anderson, and others who did not sign the attendance sheet.

Media present: Tim Johnson representing WTSA and Howard Weiss-Tisman representing the Brattleboro Reformer.

Others present: Cheryl Franklin, Tim Franklin, Melanie Boese, Jack Judge, Chelsea Nunez, Robin Sweetapple, Steve Horton, Jane Southworth, Lester Humphreys, Louis Brusio (WSWMD), Joe Pieciak, Judy Davidson, Kathy Dowd, Stephen R. Phillips, Prudence MacKinney, Orly Munzing, Moss Kahler, Norman Mallory, Peter Gaskill, Art Greenbaum, Philip Chapman, Bob Spencer, ASL Interpreters Janet Dickinson and Janice Wightman, James Banslaben and other BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 6:00pm in the Selectboard meeting room. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, AND APPOINTMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, WITH A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN, AND SELECTBOARD, AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER MAY BE INVITED INTO THE EXECUTIVE SESSION IF TIME ALLOWS. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 6:20pm.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM NOVEMBER 24, NOVEMBER 25, AND DECEMBER 2, 2014 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein wished everyone a happy and health holiday season and encouraged everybody to contribute to others who are less fortunate where they are able.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

Tim Johnson provided an update on the progress of Feed the Thousands Project and thanked Congressman Peter Welch for his contribution today while he was in town. He encouraged everyone to contribute where they could and he invited everyone to participate in the project's fill the bus campaign at Hannaford's on Friday.

LIQUOR COMMISSIONERS

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

First Class Liquor License – BCC, Inc., d/b/a Brattleboro Country Club. Gartenstein said that the Board was asked to approve a first class liquor license for BCC, Inc., d/b/a Brattleboro Country Club, located at 52-59 Senator Gannett Drive. Jack Judge and Melanie Boese were present and said they recently purchased the Country Club and were requesting a first class liquor license, an outside consumption permit, and an entertainment license. They discussed improvements they planned to make and encouraged the community to support the new Country Club. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE A FIRST CLASS LIQUOR LICENSE, AN OUTSIDE CONSUMPTION PERMIT, AND AN ENTERTAINMENT LICENSE FOR BCC, INC., D/B/A BRATTLEBORO COUNTRY CLUB, LOCATED AT 52-59 SENATOR GANNETT DRIVE. MOTION CARRIED 5-0.

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

UNFINISHED BUSINESS

Energy Committee – Life-Cycle Cost Analysis Reports for Capital Projects (tabled from 12/2/14 meeting). Gartenstein said that at the last meeting after the Energy Committee's presentation and discussion by the Board, Schoales made a motion which was then tabled so that Administration could gather more information about the scope of the motion and effect the policy would have on various capital projects. Gartenstein read the motion that was tabled:

MOTION ON THE TABLE BY DAVID SCHOALES: TO ACCEPT THE RECOMMENDATION OF THE ENERGY COMMITTEE TO INCORPORATE LIFE-CYCLE COST ANALYSIS INTO ALL TOWN CAPITAL PROJECTS, INCLUDING AN ESTIMATE OF TOTAL TAX RATE IMPACT ON A YEARLY BASIS THAT INCORPORATES BOND PAYMENTS, OPERATING EXPENSES, AND MAINTENANCE EXPENSES.

Moreland said that he discussed the matter with Department Heads and reported that the motion as phrased would be difficult to apply to the full range of capital projects that the Town considers, including such things as vehicle costs or partial project costs. There was a brief discussion. Gartenstein said that he proposed an amendment to the motion.

MOTION BY DAVID GARTENSTEIN TO AMEND THE MOTION ON THE TABLE AS FOLLOWS: THAT THE SELECTBOARD ENDORSE THE TOWN WORKING TOWARDS DEVELOPMENT OF A POLICY INCORPORATING LIFE-CYCLE COST ANALYSIS INTO TOWN CAPITAL PROJECTS WHERE APPROPRIATE, INCLUDING ANALYSIS OF ESTIMATED TOTAL TAX RATE IMPACT ON A YEARLY BASIS THAT INCORPORATES BOND PAYMENTS, OPERATING EXPENSES, AND MAINTENANCE EXPENSES.

Schoales accepted the amendment and offered an additional friendly amendment to include a timetable for completion of the policy. Gartenstein said that a new Town Manager would be starting in January and suggested that he be included in development of the new policy. Gartenstein offered that a timeframe of four months be added to the motion to amend. Schoales agreed to include a four month timeframe, and Gartenstein accepted the friendly amendment to his motion to amend.

Schoales also requested that the Police-Fire Facilities Project explicitly be included in the life-cycle cost analysis policy. Steve Horton, Project Manager of the Police-Fire Project, said that definition, levels of efficiencies, matters of degree, and duration of payback zones should be considered when forming a policy, and that standard policy in Vermont was to incorporate energy efficiencies. Lester Humphreys, Chair of the Energy Committee, admitted that the Police-Fire Facilities Project was in strong support of energy efficiencies but said that when a project was nearing completion the energy efficiencies often were

cut. He suggested strengthening the statement and in the meantime to hear information on different maintenance and operating expenses available during the process.

There was further discussion by the Board about defining and development of a new policy, the Police-Fire project and energy efficiencies already being incorporated in the project, and additional burdens that may be imposed on the project that was already struggling.

GARTENSTEIN MOVED TO AMEND THE MOTION TO INCLUDE THAT THE SELECTBOARD ENDORSE THE TOWN WORKING TOWARDS DEVELOPMENT OF A POLICY WITHIN FOUR MONTHS INCORPORATING LIFE-CYCLE COST ANALYSIS INTO TOWN CAPITAL PROJECTS WHERE APPROPRIATE, INCLUDING ANALYSIS OF ESTIMATED TOTAL TAX RATE IMPACT ON A YEARLY BASIS THAT INCORPORATES BOND PAYMENTS, OPERATING EXPENSES, AND MAINTENANCE EXPENSES. MOTION TO AMEND CARRIED 5-0.

Gartenstein asked if there was further discussion about the motion as amended. Humphreys asked that energy efficiency information be included in projects in the interim while the policy was being formulated. Gartenstein re-read the amended motion.

AMENDED MOTION BY DAVID SCHOALES THAT THE SELECTBOARD ENDORSE THE TOWN WORKING TOWARDS DEVELOPMENT OF A POLICY WITHIN FOUR MONTHS INCORPORATING LIFE-CYCLE COST ANALYSIS INTO TOWN CAPITAL PROJECTS WHERE APPROPRIATE, INCLUDING ANALYSIS OF ESTIMATED TOTAL TAX RATE IMPACT ON A YEARLY BASIS THAT INCORPORATES BOND PAYMENTS, OPERATING EXPENSES, AND MAINTENANCE EXPENSES. MOTION CARRIED 5-0.

NEW BUSINESS

Financial Report – Monthly Report, November. Finance Director John O'Connor was present and discussed the November financial report. There was some discussion by the Board.

NO ACTION TAKEN.

Staffing Level Review – Brooks Memorial Library. Library Director Jerry Carbone said that after 27 years of service at the Library the Children's Librarian, Sandra King, had elected to retire. Carbone praised King for her services over the years. He said that Lindsay Bellville, the former Assistant Children's Librarian, was fully qualified to move into the Children's Librarian position and she would be promoted as of December 29. He said that Ms. Bellville's position, which was renamed Assistant Youth Services Librarian, would be vacant after her promotion. He discussed the youth programs offered at the Library and said that he expected to publish the Assistant Youth Services Librarian position soon. Gartenstein said that the purpose of the staffing level review was to inform the Board of various positions and that no action was necessary. He thanked Sandra King for her years of service and wished her well in the future.

NO ACTION TAKEN.

Police-Fire Facilities Project - Town Manager's Office, Brattleboro Fire Department, Brattleboro Police Department. Gartenstein said that the Board met with the Police-Fire Facilities Building Committee approximately six weeks ago and discussed a range of alternatives on how to proceed with the project. At that time, he said that the committee was asked to pursue alternatives and report back to the Board, particularly to the matter of relocating the Police station to a different location. Members from the Committee, Kathy Dowd and Robin Sweetapple, and Project Manager Steve Horton were present. Other Committee members, Steve Phillips, Philip Chapman and Prudence MacKinney, were also in attendance in the audience. Dowd provided a short overview of the project and discussed pros and cons of some possible sites for a new Police station most of which were located on Putney Road, as well as suggestions and concerns voiced by Committee members. She said there were public concerns about moving the Police station away from downtown and, in response, Chief Fitzgerald suggested the possibility of adding a 2-person police substation at the Transportation Center to enhance police presence near downtown. Horton reviewed information provided about 3 possible sites for a new police station, along with budget scenarios and pros and cons of the 3 sites identified. He said that the Committee's focus was on "Plan F," which included additions to Central Fire and West Brattleboro Fire

Station as previously proposed, and to pursue an alternate site for the Police station in lieu of adding onto the Municipal Center. He said that Plan F would cost approximately \$12.9 million but cautioned that an unknown factor in that plan was the cost of a new site. Steve Phillips, member of the Police-Fire Committee, spoke in support of Plan F, and suggested negotiating options on prospective properties. He said that the Police and Fire personnel need better facilities and that the voters should have an opportunity to vote on the project. He suggested creating a warning to give to the Town Representatives with 1, 2 or 3 options. He also reminded the Board that the Representatives suggested that the Board find ways to increase the revenue and to decrease expenses. Robin Sweetapple spoke in support of a Putney Road location for the new Police Department. Lester Humphreys cautioned against moving forward without knowing the cost of a potential site for the Police Department. Moreland suggested authorizing Town Attorney Fisher or a staff member, in consultation with Town Assessor Russell Rice, to negotiate the purchase of a new site for the Police Department and to structure a purchase and sale agreement with contingencies including approval by the voters. There was substantial discussion by the Board. Allen, Schoales, and Macomber discussed their support in proceeding with the project and improving the health and safety issues for the Police and Fire personnel. Gartenstein and O'Connor spoke about budget concerns, looming large capital projects, and the need for a long-term, broader analysis of operating and capital budgets. All Board members thanked the Committee members for their diligence and substantial work and their dedication to the project.

MOTION BY JOHN ALLEN THAT THE SELECTBOARD ENDORSES THE POLICE-FIRE FACILITIES COMMITTEE RECOMMENDATION TO PROCEED WITH THE POLICE-FIRE PROJECT "PLAN F," TO REVISE THE FY16 BUDGET TO INCLUDE THE BORROWING NECESSARY TO UNDERTAKE CONSTRUCTION, AND TO NEGOTIATE PURCHASE AND SALE AGREEMENTS WITH OWNERS OF THE PROPOSED POLICE DEPARTMENT PROPERTIES. MOTION CARRIED 3-2 (GARTENSTEIN AND O'CONNOR OPPOSED).

FY16 Budget – Discussion. Gartenstein said that the Board had previously had several budget discussions but the budget just changed with the Board's vote on the preceding item to continue with renovations to the Police-Fire facilities. He said that the Board previously considered also adding expenditures to the budget for required improvements to Town Hall, purchasing air packs for Fire personnel, purchasing an additional police cruiser, additional paving, increasing the sidewalk budget, replacing windows at Gibson Aiken Center, improvements to the pool at Living Memorial Park, and adding surplus funds back into the operating budget. O'Connor asked Administration to prepare a new budget including estimated costs of the Police-Fire project and that discussions continue after receipt of the revised budget. It was agreed by the Board to schedule a special meeting on Tuesday, December 30 at 7:00am to discuss the budget further after receiving revised budget documents.

NO ACTION TAKEN.

Pay-As-You-Throw (PAYT) – Town Manager's Office. Members of the Pay-As-You-Throw Advisory Committee/Working Group, Moss Kahler, Peter Gaskill and Bob Spencer, were present and discussed progress and decisions of the Committee. Kahler spoke at length about providing trash bags for sale to provide incentives for residents to utilize the recycling and composting programs in order to reduce the amount of solid waste. He said the Committee agreed to offer 33 gallon bags at \$3 each and 13 gallon at \$2 bags each to cover costs of disposal fees, transportation fees, and cost of the bags, as well as administrative costs. He also spoke about updating the Town ordinances to include curbside composting, requirements of Act 148 requiring variable rate pricing for residential trash (PAYT), a recent RFP that was sent out to bag manufacturers, bids received in response to the RFP, education services that will be necessary to move to a PAYT system, and whether to provide bags on a sliding scale to lower income families. He said that eliminating the purchase requirement of the bags would remove the incentive to recycle and compost. Gaskill and Spencer also discussed several aspects of implementing a PAYT program. Chelsea Nunez, Property Manager for Brattleboro Housing Authority, said that implementation and enforcement of the PAYT system would increase the burden on administrative staff and she asked to consider incentives to landlords to encourage tenants in dense population areas to participate in the PAYT program and avoid the easier route of providing dumpsters.

There was much discussion by the Board about the PAYT requirements, strengths and weaknesses of providing bags or stickers, the price of the bags to consumers, disproportionate cost difference between the two sizes of bags, whether to institute a sliding scale for bags, and tenant/landlord involvement and cooperation. The Board asked for additional information about the RFP and the bids received. The Board agreed to proceed with use of bags rather than stickers, to sell two sizes of bags for \$2 and \$3 each, and not to provide bags on a sliding scale. The Board asked that the Committee investigate alternatives to deal with the cost-shift on tenant/landlord issues.

NO ACTION TAKEN.

Windham Solid Waste Management District Budget – Discussion. Gartenstein said the Board had received comments regarding the Town's relationship with Windham Solid Waste Management District (WSWMD), fees assessed and services provided by WSWMD, disproportionate charges to various Towns, and the proposed FY16 WSWMD budget. He said that Schoales was the Town's representative on the WSWMD Board of Supervisors and that Allen was the alternate representative, and he asked for their comments on the relationship between the Town and WSWMD and whether the Town was being treated fairly. Schoales discussed some of the requirements established by Act 148, degrees of uncertainty of the Act, establishing a fee for service, possible reorganization of and streamlining to the WSWMD, and a recent vote on WSWMD's proposed FY16 budget. He also discussed elements of the cost, equipment and concerns of a single stream system of recycling. Allen spoke of his concerns about the Town getting the best value for its monies, the need for WSWMD to reorganize and improve, and now being an appropriate time to streamline from a dual stream to a single stream recycling system. Gartenstein asked members of the WSWMD Board of Supervisors to discuss what WSWMD provides to the Town and the reasons why the Town was charged for the services it provided. Lou Brusco, supervisor from Jamaica and Chair of WSWMD Board of Supervisors, discussed the budget process, the proposed WSWMD budget that was passed last week with a final vote in January after giving member selectboards an opportunity to comment, and various aspects of management. Jan Ameen, from Westminster and Vice Chair of WSWMD Board, discussed differences between dual and single stream recycling, and the decision to continue with dual stream for another year while WSWMD looked at reviewing its process. She also discussed the advantages to the Town for being a member of WSWMD. She complimented Moreland for his contributions in the equity discussions. Bob Spencer, Executive Director of WSWMD, discussed some requirements of Act 148 and advantages of being a member of the District. He also reviewed some anticipated improvements to be made to WSWMD, the need to evaluate changes caused by the implementation Act 148, the cost to member towns based on a population ratio, fees for services, and the need to review other options over the next year. He said that WSWMD was committed to making changes. Moreland discussed cost savings opportunities and suggested continuing discussions about apportioning costs to member Towns. Cheryl Franklin, Guilford representative on the WSWMD Board, reviewed practices in Guilford, discussed the movement toward and advantages of single stream systems, and suggested that WSWMD look for opportunities to make changes to its procedures especially with the implementation of Act 148. She mentioned that Triple T had made an offer to the Town for a single stream system that would provide cost savings to the Town. Norm Mallory, owner of Triple T, discussed advantages of single stream processing and suggested that WSWMD reorganize its organization and practices. There was much discussion by the Board, including whether Brattleboro had to remain a member of WSWMD, Triple T's offer for recycling, the need for WSWMD in the region, the stability of WSWMD and its relationship to the Town, the cost to the Town, and need for development of a long-term strategy. The Board asked WSWMD members to appear at the January 6 Selectboard meeting with more information and to continue the discussion at that time.

NO ACTION TAKEN.

Approve Collective Bargaining Agreement – International Union of Operating Engineers, Local 98.

Gartenstein said that the Board was asked to approve the collective bargaining agreement with a new union. He said that the International Union of Operating Engineers Local 98 representing administrative employees had been in negotiations with the Board and a tentative agreement had been reached. He reviewed some of components of the agreement. There was a brief discussion by the Board about the agreement, and members of the Board asked that references to "Selectmen" in the agreement be changed to read "Selectboard."

MOTION BY JOHN ALLEN TO APPROVE A TWO-YEAR COLLECTIVE BARGAINING UNIT AGREEMENT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 98, RETROACTIVE TO 7-1-14. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Approve Parade Permits – Strolling of the Heifers. Orly Munzing, from Strolling of the Heifers, asked the Board to approve the parade and street/sidewalk closing permits for the 2015 Strolling of the Heifer's parade and associated activities on June 5, June 6, and June 7, 2015. There was discussion by the Board about the event and that Strolling would be charged for actual costs to the Town for services provided in connection with the parade and festivities. Munzing asked for a written estimate in advance for budgetary purposes, and Gartenstein said that an estimate could be provided but the final bill would be presented after the parade and activities when actual costs were known.

MOTION BY DONNA MACOMBER TO APPROVE A STREET/SIDEWALK BLOCKING PERMIT FOR MAIN STREET BETWEEN ELLIOT AND HIGH FOR FRIDAY, JUNE 5TH BETWEEN THE HOURS OF 5:00PM AND 9:00PM, AND TO APPROVE A PARADE/OPEN AIR PERMIT ON MAIN STREET BETWEEN FLAT STREET AND THE BRATTLEBORO RETREAT FOR SATURDAY, JUNE 6TH, BETWEEN THE HOURS OF 8:00AM AND 11:45 AM, AND TO APPROVE A PARADE/OPEN AIR PERMIT FOR THE HEIFER RIDE ON SUNDAY, JUNE 7TH AT 8:00AM AND 4:00PM BEGINNING AND ENDING AT LILAC RIDGE FARM.

CORRESPONDENCE AND MEETINGS

Macomber read the dates and times of Town committee meetings and other upcoming events.

There was no further business.

MOTION BY DONNA MACOMBER TO ADJOURN AT 10:05PM. MOTION CARRIED 5-0.

David Schoales, Clerk