MEMORANDUM

To: Selectboard

From: Peter B. Elwell, Town Manager

Re: Administrative Report

Date: October 2, 2020

The following will summarize the proposed motions for the Selectboard meeting on Tuesday, October 6, 2020. The Board will hold committee interviews and 5:15pm and will enter into executive session immediately thereafter (approximately 5:30pm) to discuss the negotiation of a real estate purchase or lease and the appointment, employment, or evaluation of a public officer or employee. The Board will reconvene the business meeting at 6:15pm on Zoom (with no physical location due to the ongoing social distancing requirements of COVID-19).

The public may join the meeting from a computer, tablet, or smartphone, using this link:
https://us02web.zoom.us/j/86067892659

Passcode: 12261753

You also can call in using your telephone
by dialing any of these toll-free numbers in the United States:
833-548-0282
877-853-5247
888-788-0099
833-548-0276
or you can access a list of non-toll-free numbers
for locations around the world using this link:
https://us02web.zoom.us/u/k2Hdbk6mA

The "Meeting ID" for this meeting is:
860 6789 2659

The meeting will be carried live on BCTV:
On Cable TV: Channel 1085 or Channel 10
Streaming Online: https://www.brattleborotv.org/channel-10-stream
Facebook Live: https://www.facebook.com/brattleborotv/

7. LIQUOR COMMISSIONERS

A. Seasonal Third Class Liquor License Renewals –
Echo Restaurant & Lounge, Flamingo Diner, and New England House
The Board is asked to approve Seasonal Third Class Liquor Licenses for 3 restaurants: (1) Echo Restaurant & Lounge, located at 69-73 Main Street, (2) Flamingo Diner, located at 209 Canal Street, and (3) New England House, located at 254 Marlboro Road. The licenses would run for six months until the next annual liquor license renewal date, as set forth in the memorandum dated September 24, 2020, from Town Clerk Hilary Francis.

POTENTIAL MOTION:
TO APPROVE SEASONAL THIRD CLASS LIQUOR LICENSES FOR:
(1) ECHO RESTAURANT & LOUNGE, LOCATED AT 69-73 MAIN STREET;
(2) FLAMINGO DINER, LOCATED AT 209 CANAL STREET, AND
(3) NEW ENGLAND HOUSE, LOCATED AT 254 MARLBORO ROAD.

8. **WATER AND SEWER COMMISSIONERS**

A. Pleasant Valley Water Treatment Waste Process Line Project – *Ratify Public Works' Purchase of Pipe and Fittings from EJ Prescott*
The Board previously awarded a bid for pipe and fittings to FW Webb for the Pleasant Valley Water Treatment Waste Process Line Project. However, as set forth in the memorandum dated September 23, 2020, from Public Works Director Steve Barrett, that vendor was unable to honor the bid price due to the increase in the pipe costs. DPW staff contacted the three companies that initially submitted bids and learned that only EJ Prescott could honor their initial bid price because they had the pipe and fittings in stock. The company, however, requests an additional $2,900 in shipping fees. Due to the weekly increase in pipe costs and the urgency of the project, staff determined it would be in the Town's best interests to accept the bid from EJ Prescott ($31,946.52) and pay the additional shipping fee ($2,900, for a total cost of $34,846.52), and placed the order. The Board is now asked to ratify staff's decision to accept the bid from EJ Prescott and pay the additional shipping fees.

POTENTIAL MOTION: (1) TO RESCIND THE PREVIOUS BID AWARD TO F.W. WEBB, AND (2) TO RATIFY STAFF'S AWARD OF THE BID FOR PIPE AND FITTINGS TO EJ PRESCOTT FOR $31,946.52, AND TO PAY THE SHIPPING FEE OF $2,900, FOR A TOTAL COST OF $34,846.52.

B. Exit 1 Industrial Park Utilities Upgrade – *Award Bid for Water & Sewer Upgrade*
The Board is asked to award a bid to Zaluzny Excavating, of Vernon, Vermont, in the amount of $849,002, for the Exit 1 Industrial Park Water and Sewer System Upgrade. As set forth in the memorandum dated September 24, 2020, from Public Works Director Steve Barrett, Zaluzny Construction was the low bidder.

POTENTIAL MOTION: TO AWARD A BID TO ZALUZNY EXCAVATING IN THE AMOUNT OF $849,002 FOR THE EXIT 1 INDUSTRIAL PARK WATER AND SEWER SYSTEM UPGRADE.

9. **UNFINISHED BUSINESS**

A. Tenants' Union of Brattleboro Request for Ordinance Regulating Housing Lease Deposits – *Continued Discussion*
At the September 1, 2020, Selectboard meeting, the Tenants' Union of Brattleboro (TUB) proposed an ordinance that would limit the amount of up-front payments required from tenants to occupy a rental housing unit. At that meeting, the Board asked for the Town Attorney's legal opinion and for staff to gather more information. Included in the Board's back-up materials are Town Attorney Bob Fisher's legal memorandum dated September 12, 2020; Planning Director Sue Fillion's memorandum dated September 29, 2020, regarding rental housing deposit ordinances and housing review boards; and Planning Director Fillion's memorandum dated September 29, 2020, regarding rental housing data for Brattleboro. Also included in the back-up materials is a draft ordinance for the Board to review and TUB's original proposal dated August 18, 2020. If the

Board decides to move forward with adopting an ordinance, the matter will be scheduled for a first reading on October 20 or at a subsequent Selectboard meeting.

POTENTIAL MOTION: TBD

10. **NEW BUSINESS**

A. Hinsdale Bridge Project –
(i) Provide Notice of Hearing on Laying Out the Highway and the Taking of Lands Therefor
(ii) Schedule Special Meeting and Site Visit on November 10
The Brattleboro-Hinsdale Bridge Project is at a point where certain properties must be acquired either by purchase or condemnation in order for construction of the bridge to take place. Under Vermont Law and the Finance and Maintenance Agreement between the Town and the Vermont Agency of Transportation (VTrans), the Selectboard is the authority who must consider the necessity of these takings and the appropriate compensation to the landowners. The Board is asked to schedule a special meeting on November 10 to conduct a site visit to view properties expected to be acquired by eminent domain, and to hold a public hearing. The Selectboard's backup materials for the October 6 meeting include the Notice of Hearing to Lay Out and Establish Highway and to Condemn Property Needed Therefor prepared by Town Attorney Bob Fisher.

POTENTIAL MOTION: (1) TO APPROVE THE "NOTICE OF HEARING TO LAY OUT AND ESTABLISH HIGHWAY AND TO CONDEMN PROPERTY NEEDED THEREFOR," (2) TO SCHEDULE A SITE VISIT AT ___PM ON NOVEMBER 10, AND (3) TO SCHEDULE A SPECIAL MEETING/PUBLIC HEARING AT ___PM ON NOVEMBER 10.

B. VCDP Grant for Red Clover Commons II
(i) Accept and Appropriate Grant
(ii) Approve Grant Agreement Resolution (PM-1)
The Board is asked to adopt a Grant Agreement Resolution and to accept and appropriate the sum of $300,000 from the Vermont Community Development Program (VCDP) for the Red Clover Commons II Project of Brattleboro Housing Partnerships. Additionally, the Board is asked to authorize the Town Manager to execute the Grant Agreement with the State of Vermont and all associated documents necessary for the performance of the grant funded activities. As set forth in the memorandum dated September 28, 2020, from Assistant Town Manager Patrick Moreland, the Board previously approved submission of the VCDP application and the parties have now met all necessary award conditions.

POTENTIAL MOTION: (1) TO ADOPT THE VERMONT COMMUNITY DEVELOPMENT PROGRAM (VCDP GRANT AGREEMENT RESOLUTION FOR THE RED CLOVER COMMONS II PROJECT, (2) TO ACCEPT AND APPROPRIATE THE SUM OF $300,000 FROM VCDP TO THE BRATTLEBORO HOUSING PARTNERSHIPS, AND (3) TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE GRANT AGREEMENT WITH THE STATE OF VERMONT AND ALL ASSOCIATED DOCUMENTS NECESSARY FOR THE PERFORMANCE OF THE GRANT FUNDED ACTIVITIES.

C. Authorization to Purchase Replacement Fire Truck
The Board is asked to authorize the purchase of a fire pumper truck from Allegiance Fire & Rescue, of Walpole, Massachusetts, in the net amount of $549,898. As set forth in the memorandum dated September 23, 2020, from Assistant Fire Chief Leonard Howard, $223,000 will be funded from the Unassigned General Fund Balance (as

approved by Representative Town Meeting on September 12, 2020) and the balance of $326,898 will come from the FY21 Capital Improvement Fund appropriations.

POTENTIAL MOTION: TO AUTHORIZE THE PURCHASE OF A FIRE PUMPER TRUCK FROM ALLEGIANCE FIRE & RESCUE IN THE AMOUNT OF $549,898.

D. Brattleboro Transportation Center Waterproofing Project – *Award Bid*
The Board is asked to award a bid to PCS Specialty Contracting of Skowhegan, Maine, in an amount not to exceed $18,000 for joint sealing on the first floor of the Brattleboro Transportation Center (BTC). As set forth in the memorandum dated September 28, 2020, from Assistant Town Manager Patrick Moreland, three bids were received containing two types of unit pricing: (1) a concrete waterproofing option on a square foot basis, and (2) a joint sealing option on a linear foot basis. The Board previously approved funds in the amount of $60,000 for waterproofing and joint sealing on the first and second floors of the BTC. The cost to complete all of that work is substantially higher than the budgeted amount. For that reason, staff is recommending to reduce the scope of the project to joint sealing only.

POTENTIAL MOTION: TO AWARD A BID TO PCS SPECIALTY CONTRACTING IN AN AMOUNT NOT TO EXCEED $18,000 FOR JOINT SEALING ON THE FIRST FLOOR OF THE BRATTLEBORO TRANSPORTATION CENTER.

E. U.S. Department of Justice 2020 JAG Grant – *Accept and Appropriate*
The Board is asked to accept and appropriate the 2020 JAG Grant in the amount of $11,614 from the U.S. Department of Justice to pay for law enforcement training. As set forth in the memorandum dated August 5, 2020, from Police Chief Michael Fitzgerald, the funds would pay for training that reflects the ongoing considerations locally and nationally about police and racial equity.

POTENTIAL MOTION: TO ACCEPT AND APPROPRIATE THE 2020 JAG GRANT IN THE AMOUNT OF $11,614 FROM THE U.S. DEPARTMENT OF JUSTICE TO PAY FOR LAW ENFORCEMENT TRAINING.

F. Appoint Interim Town Treasurer
Due to the vacancy in the Finance Director position, the Board is asked to appoint Deborah Desrosiers to serve as Interim Town Treasurer, effective immediately, and continuing until a new Finance Director/Town Treasurer is hired. A search for a new Finance Director will commence during October.

POTENTIAL MOTION: TO APPOINT DEBORAH DESROSIERS TO SERVE AS INTERIM TOWN TREASURER, EFFECTIVE IMMEDIATELY, AND CONTINUING UNTIL A NEW FINANCE DIRECTOR/TOWN TREASURER IS HIRED.

G. Hire Interim Finance Director –
(i) Ratify Town Manager's Decision to Hire Melanson Heath Accountants/Auditors
(ii) Approve Contract with Melanson Heath
The Board is asked to ratify Town Manager's decision to hire Melanson Heath Accountants/Auditors while a search for a new Finance Director is being conducted. The Board also is asked to approve a contract with Melanson Heath for an initial term from October 5, 2020, to January 15, 2021, in the minimum amount of $5,000 and a maximum amount of $25,000.

POTENTIAL MOTION: TO (1) RATIFY TOWN MANAGER'S DECISION TO HIRE MELANSON HEATH ACCOUNTANTS/AUDITORS, AND (2) APPROVE THE

CONTRACT WITH MELANSON HEATH FOR AN INITIAL TERM FROM OCTOBER 5, 2020, TO JANUARY 15, 2021, IN A MINIMUM AMOUNT OF $5,000 AND MAXIMUM AMOUNT OF $25,000.

H. FY20 Year-End Financial Report – *Final But Unaudited Results*
Town Manager Elwell will present the preliminary unaudited FY20 Year-End Financial Report.

NO ACTION IS REQUIRED ON THIS ITEM.

I. Long Term Financial Plan – *2020 Update for FY22-FY26*
Town Manager Elwell will present the 2020 update of the Long Term Financial Plan.

NO ACTION IS REQUIRED ON THIS ITEM.

J. Proposed Schedule of Meetings for Consideration of Proposed FY22 Budget
As the FY22 Budget discussions approach, staff is recommending several meetings be scheduled from November through January. Enclosed in the Board's back-up materials is a proposed meeting schedule.

NO ACTION IS REQUIRED ON THIS ITEM.

K. One-Year Extension of the Brattleboro Reformer's Lease at 62 Black Mountain Road
The Board is asked to approve a 1-year lease extension with New England Newspapers at a rental rate of $8/foot and to authorize the Town Manager to execute the lease extension. As set forth in the memorandum dated October 1, 2020, the tenant, New England Newspapers, requested a reduction in rent due to the severe financial impacts of COVID-19.

POTENTIAL MOTION: TO APPROVE A 1-YEAR LEASE EXTENSION WITH NEW ENGLAND NEWSPAPERS AT A RENTAL RATE OF $8/FOOT AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE LEASE EXTENSION.

L. Town Committees/Boards
(i) Hazard Mitigation Committee
(a) Appoint Selectboard Member
(b) Appoint Planning Commission Member
(c) Appoint Citizen Members
(ii) Appointments to Various Other Boards and Committees
(iii) Announce Vacancies on Various Boards and Committees

The Board is asked to (1) appoint a Selectboard Member to the newly revised Hazard Mitigation Committee for a term ending on June 30, 2021; (2) appoint Planning Commission representative Kathy Urffer to the Hazard Mitigation Committee for a term ending on June 30, 2021; and (3) appoint two community members to the Hazard Mitigation Committee for one term expiring on June 30, 2021, and one term expiring on June 30, 2022. The applicants for the community member seats are Christine Hart and Kay Curtis. The Board also is asked to appoint members to the Agricultural Advisory Committee, Development Review Board, and Planning Commission. The Board will hold interviews at the beginning of this meeting for the Development Review Board. Finally, vacancies will be announced for various Town boards and committees, as set forth on the notice of vacancies included in the Board's back-up materials.

POSSIBLE NOMINATIONS FOR THE HAZARD MITIGATION COMMITTEE:
SELECTBOARD MEMBER _____;
PLANNING COMMISSION REPRESENTATIVE KATHY URFFER;
COMMUNITY MEMBERS CHRISTINE HART FOR A TERM ENDING _____,
AND KAY CURTIS FOR A TERM ENDING _____.

OTHER POSSIBLE NOMINATIONS:
AGRICULTURAL ADVISORY COMMITTEE – JIM VERZINO
PLANNING COMMISSION – DORAN HAMM.
DEVELOPMENT REVIEW BOARD – _____

COMMITTEE AND BOARD VACANCIES (anticipatory):
ADA ADVISORY BOARD
AGRICULTURAL ADVISORY COMMITTEE (Non-Voting Ex-Officio Members)
ARTS COMMITTEE
CONSERVATION COMMISSION
DEVELOPMENT REVIEW BOARD ALTERNATES
ENERGY COMMITTEE
INSPECTOR, LUMBER, SHINGLES & WOOD
SENIOR SOLUTIONS ADVISORY COUNCIL

PBE:ja