

MEMORANDUM



To: Selectboard
From: Peter B. Elwell, Town Manager
Re: Administrative Report
Date: January 14, 2016

The following will summarize the proposed motions for the Selectboard meeting on Tuesday, January 19, 2016. The Board will meet in executive session at 5:30pm to discuss contracts, labor relations agreements with employees, and the evaluation of a public officer or employee. The Board will reconvene the business meeting at 6:15pm in the Selectboard meeting room.

7. LIQUOR COMMISSIONERS

- A. Special Event Permits – Brattleboro Luv Crawl on February 11, 2016
- (i) Saxtons River Distillery at Altiplano, 42 Elliot Street
 - (ii) Whetstone Cider Works, LLC, at Brattleboro Bicycle Shop, 165 Main Street
 - (iii) American Crafted Spirits, Inc., d/b/a Silo Distillery, at Candle in the Night, 181 Main Street
 - (iv) Stonecutter Spirits at Beadniks, 115 Main Street
 - (v) Whetstone Station Restaurant at Burrows, 105 Main Street
 - (vi) Caledonia Spirits at Renaissance Jewelers, 151 Main Street
 - (vii) Charles Dodge, d/b/a Putney Winery, LLP, at ArtRageUs1, 57 Elliot Street
 - (viii) Vermont Distillers, Inc., at In the Moment Records, 143 Main Street
 - (ix) Cold Springs Spirits, LLC, d/b/a Mad River Distillers, at Taylor for Flowers, 15 Elliot Street

The Board is asked to approve special event permits for 9 distributors taking part in the Brattleboro Luv Crawl on February 11, from 6:00pm to 8:00pm. A group of downtown merchants will host the event and each of the various distributors will be located at a different downtown business, as set forth on the memo dated January 13, 2016, from Town Clerk Annette Cappy.

POTENTIAL MOTION: TO APPROVE SPECIAL EVENT PERMITS FOR FEBRUARY 11, 2016, FROM 6:00PM TO 8:00PM FOR:

- (i) **SAXTONS RIVER DISTILLERY AT ALTIPLANO, 42 ELLIOT STREET**
- (ii) **WHETSTONE CIDER WORKS, LLC, AT BRATTLEBORO BICYCLE SHOP, 165 MAIN STREET**
- (iii) **AMERICAN CRAFTED SPIRITS, INC., D/B/A SILO DISTILLERY, AT CANDLE IN THE NIGHT, 181 MAIN STREET**
- (iv) **STONECUTTER SPIRITS AT BEADNIKS, 115 MAIN STREET**
- (v) **WHETSTONE STATION RESTAURANT AT BURROWS, 105 MAIN STREET**
- (vi) **CALEDONIA SPIRITS AT RENAISSANCE JEWELERS, 151 MAIN STREET**
- (vii) **CHARLES DODGE, D/B/A PUTNEY WINERY, LLP, AT ARTRAGEUS1, 57 ELLIOT STREET**
- (viii) **VERMONT DISTILLERS, INC., AT IN THE MOMENT RECORDS, 143 MAIN STREET**
- (ix) **COLD SPRINGS SPIRITS, LLC, D/B/A MAD RIVER DISTILLERS, AT TAYLOR FOR FLOWERS, 15 ELLIOT STREET**

8. WATER AND SEWER COMMISSIONERS

- A. Wastewater Treatment Plant – Replacement of Shaftless Screw and Conveyor Liner. The conveyor system at the wastewater treatment plant is failing and needs to be replaced soon. The deficiencies are explained in a memo dated January 13, 2016, from Public Works Director Steve Barrett. The Board is asked to approve the quote from Custom Conveyor Corporation for \$22,574 to replace the necessary equipment. Steve Barrett will be present to answer any questions the Board may have.

POTENTIAL MOTION: TO APPROVE THE QUOTE FROM CUSTOM CONVEYOR CORPORATION FOR \$22,574 TO REPLACE THE NECESSARY EQUIPMENT.

- B. Black Mountain Gravity Sewer System – Additional Funding for Engineering Services. The Black Mountain Gravity Sewer Project has encountered several difficulties as set forth in the memo dated January 13, 2016, from Public Works Director Steve Barrett. In order for the project to proceed, the Town will require additional construction phase engineering services from Hoyle Tanner & Associates. Hoyle Tanner has continued to provide services since July 31, 2015 but has not been compensated. The Board is asked to approve payment to Hoyle, Tanner for services rendered from August 2015 to January 2016 and to extend the agreement with Hoyle Tanner until the completion of the project. The total estimated cost for additional engineering services is not to exceed \$200,000 (for the period from August 1, 2015, through the completion of the project).

POTENTIAL MOTION: TO EXTEND THE AGREEMENT WITH HOYLE, TANNER & ASSOCIATES UNTIL COMPLETION OF THE PROJECT AT AN ESTIMATED COST NOT TO EXCEED \$200,000 FOR ADDITIONAL CONSTRUCTION PHASE ENGINEERING SERVICES.

9. UNFINISHED BUSINESS

- A. FY17 Budget – Approval of Budget to Recommend at Representative Town Meeting. The Board is asked to approve the revised FY17 budget as presented. The revised budget includes all changes directed by the Board during previous budget meetings, including using \$449,225 from the Unassigned Fund Balance of the General Fund. If the Board approves such use of the excess fund balance, the Board is asked to add an article to the Warnings for Representative Town Meeting.

POTENTIAL MOTION #1: TO APPROVE THE FY17 BUDGET, AS PRESENTED.

POTENTIAL MOTION #2: TO SEE IF THE TOWN WILL APPROPRIATE \$449,225 FROM THE UNASSIGNED GENERAL FUND BALANCE AS OF JUNE 30, 2015 TO FUND THE FOLLOWING: \$150,000 FOR THE BONNYVALE ROAD RETAINING WALL, \$165,000 FOR THE REPAIR AND REFURBISHMENT OF THE SWIMMING POOL AT LIVING MEMORIAL PARK, AND \$134,225 TO REDUCE THE TAX LEVY FOR FY2017.

- B. Police-Fire Facilities Project –
(i) Final Results of Questionnaire
(ii) Discussion (and Potential Decision) on Preferred Alternative
(iii) Schedule Special Representative Town Meeting for March 12 at 8:30am.

The final results of the public survey on the Police-Fire Facilities Project will be provided to the Board at the meeting. The Board is then asked to discuss the alternatives and decide on a preferred alternative for the improvements. If the Board's preferred alternative involves moving the Police Station to the Black Mountain Road location, the financing for the project will require approval by Representative Town Meeting (RTM). The Board would then be asked to schedule a special Representative Town Meeting on Saturday, March 12, at 8:30am at Brattleboro Area Middle School in the multipurpose room. The Warning for the special RTM would have to be approved no more than 40 and no less than 30 days prior to the meeting (between February 1 and February 11), so the Board could approve the Warning at its regularly scheduled meeting on February 2.

POTENTIAL MOTION: TO ENDORSE THE BLACK MOUNTAIN ROAD ALTERNATIVE FOR THE POLICE DEPARTMENT AND THE FULL-SCALE IMPROVEMENTS RECOMMENDED BY STAFF FOR THE CENTRAL FIRE STATION AND THE WEST BRATTLEBORO FIRE STATION.

POTENTIAL MOTION: TO SCHEDULE A SPECIAL REPRESENTATIVE TOWN MEETING ON SATURDAY, MARCH 12, 2016, STARTING AT 8:30AM, AT THE BRATTLEBORO AREA MIDDLE SCHOOL IN THE MULTIPURPOSE ROOM.

10. NEW BUSINESS

A. Representative Town Meeting Articles

(i) Downtown Brattleboro Alliance (f/k/a Downtown Alliance and Building a Better Brattleboro) – Approve Article

(ii) Requests for Tax Exemption

(a) *Brattleboro Post 5 Little League.*

(b) *Bradley House*

(c) *Holton Home*

(d) *The Family Garden, Inc.*

(e) *Rescue, Inc.*

(f) *Camp Waubonong, Inc.*

(iii) Charter Amendments – Public Meeting

(a) *to change the deadline for incumbent Town Meeting members to submit their notice of intent*

(b) *to allow mechanical tabulation of ballots from citizens that use early voting*

(i) Downtown Brattleboro Alliance (f/k/a Downtown Alliance and Building a Better Brattleboro) - Approve Article. On January 12, the Board approved the FY17 work plan and budget for the Downtown Brattleboro Alliance. The Board is now asked to add an Article to the March 19, 2016, Representative Town Meeting Warning.

POTENTIAL MOTION: TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2016: “TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE THE SUM OF \$78,000 THROUGH SPECIAL ASSESSMENTS ON PROPERTIES WITHIN THE DOWNTOWN IMPROVEMENT DISTRICT (AS APPROVED BY TOWN MEETING MARCH 19, 2005 AND AS DELINEATED IN THE TOWN ORDINANCE ENTITLED “MUNICIPAL ACT TO ESTABLISH AND REGULATE THE DOWNTOWN IMPROVEMENT DISTRICT”) TO BE USED FOR CAPITAL AND OPERATING COSTS OF PROJECTS OF THE TOWN’S DULY DESIGNATED DOWNTOWN ORGANIZATION AS REFLECTED IN ITS WORK PLAN AND BUDGET.”

(ii) Requests for Tax Exemption

(a) *Brattleboro Post 5 Little League*

(b) *Bradley House*

(c) *Holton Home*

(d) *The Family Garden, Inc.*

(e) *Rescue, Inc.*

(f) *Camp Waubonong, Inc.*

Six properties owned by non-profit organizations were previously granted tax exempt status by Representative Town Meeting for municipal and/or state education taxes, as set forth on the “2016 Grant List – Proposed Voted Exemptions” provided by Town Assessor Russell Rice and included in the Board’s packets. The properties’ tax exemptions expire on April 1, 2016. Per the written requests received from the applicable organizations, the Board is asked to add an Article for each organization to the Warning for Representative Town Meeting.

POTENTIAL MOTION (a): TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2016: “TO SEE IF THE TOWN WILL APPROVE

EXEMPTION OF THE MUNICIPAL TAX PORTION OF REAL ESTATE TAXES FOR BRATTLEBORO POST 5 LITTLE LEAGUE FOR A PERIOD OF FIVE YEARS.”

POTENTIAL MOTION (b): TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2016: “TO SEE IF THE TOWN WILL APPROVE EXEMPTION OF THE MUNICIPAL AND EDUCATION REAL ESTATE TAXES FOR BRADLEY HOUSE FOR A PERIOD OF FIVE YEARS.”

POTENTIAL MOTION (c): TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2016: “TO SEE IF THE TOWN WILL APPROVE EXEMPTION OF THE MUNICIPAL TAX PORTION OF REAL ESTATE TAXES FOR HOLTON HOME FOR A PERIOD OF FIVE YEARS.”

POTENTIAL MOTION (d): TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2016: “TO SEE IF THE TOWN WILL APPROVE EXEMPTION OF THE MUNICIPAL AND EDUCATION REAL ESTATE TAXES FOR THE FAMILY GARDEN, INC., FOR A PERIOD OF FIVE YEARS.”

POTENTIAL MOTION (e): TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2016: “TO SEE IF THE TOWN WILL APPROVE EXEMPTION OF THE MUNICIPAL AND EDUCATION REAL ESTATE TAXES FOR RESCUE, INC., FOR A PERIOD OF FIVE YEARS.”

POTENTIAL MOTION (f): TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2016: “TO SEE IF THE TOWN WILL APPROVE EXEMPTION OF THE MUNICIPAL TAX PORTION OF REAL ESTATE TAXES FOR CAMP WAUBONONG, INC., FOR A PERIOD OF FIVE YEARS.”

(iii) Charter Amendments – Public Meeting

(a) To change the deadline for incumbent Town Meeting members to submit their notice of intent;

(b) To allow mechanical tabulation of ballots from citizens that use early voting.

On March 21, 2015, Representative Town Meeting approved certain Charter changes proposed by Town Clerk Annette Cappy. The Selectboard is required to hold a public meeting regarding the proposed amendments, which must then be approved at a second Representative Town Meeting. The Board is asked to hold the required public meeting regarding the amendments, and to approve placement of Articles for each amendment on the Representative Town Meeting Warning.

POTENTIAL MOTION #1: TO SEE IF THE TOWN WILL APPROVE AN AMENDMENT TO THE BRATTLEBORO TOWN CHARTER ADDENDUM A, ACTS OF 1959, NO. 302, SECTION 4A TO CHANGE THE DEADLINE FOR INCUMBENT TOWN MEETING MEMBERS TO SUBMIT THEIR NOTICE OF INTENT TO HAVE THEIR NAME PLACED ON THE BALLOT AS PRESENTED.

POTENTIAL MOTION #2: TO SEE IF THE TOWN WILL APPROVE AN AMENDMENT TO THE BRATTLEBORO TOWN CHARTER ARTICLE II, SECTION 3 TO ALLOW MECHANICAL TABULATION OF BALLOTS FROM CITIZENS THAT USE EARLY VOTING AS PRESENTED.

B. Southeastern Vermont Economic Development Strategies (SeVEDS) -

(i) Contribution for FY16

(ii) Representative Town Meeting Article re: Contribution for FY17.

Per the letter dated January 13, 2016, from Adam Grinold, Executive Director of the Brattleboro Development Credit Corporation (BDCC), the Board is asked to (1) authorize the expenditure of \$18,069 from program income as an FY16 contribution to the operation of SeVEDS (which is BDCC's satellite organization for economic development planning) and (2) place an article on the Warning for the Representative Town Meeting asking that body to authorize the expenditure of \$36,138 from program income as an FY17 contribution to the operation of SeVEDS.

POTENTIAL MOTION #1: TO AUTHORIZE THE EXPENDITURE OF \$18,069 FROM PROGRAM INCOME AS AN FY16 CONTRIBUTION TO THE OPERATION OF SEVEDS.

POTENTIAL MOTION #2: TO PLACE AN ARTICLE ON THE WARNING FOR THE 2016 REPRESENTATIVE TOWN MEETING ASKING THAT BODY TO AUTHORIZE THE EXPENDITURE OF \$36,138 FROM PROGRAM INCOME AS AN FY17 CONTRIBUTION TO THE OPERATION OF SEVEDS.

C. Pay-As-You-Throw Advisory Committee/Working Group – Final Report.

The Pay-As-You-Throw (PAYT) Advisory Committee/Working Group met for the final time on January 7, 2016. The Committee reviewed and discussed the recommendations set forth in the memo dated January 5, 2016, from Assistant Town Manager Patrick Moreland. Committee members endorsed those recommendations and will be present at the Selectboard meeting to discuss the recommendations with the Board.

POTENTIAL MOTION #1: TO DIRECT THE TOWN MANAGER TO MAINTAIN THE PRACTICE OF SUPPLYING RECYCLING AND COMPOSTING BINS/BUCKETS, AND TO TRANSITION SALES OF THESE ITEMS TO MARKET PRICING BEGINNING AUGUST 1, 2016.

POTENTIAL MOTION #2: TO DIRECT THE TOWN MANAGER TO EXECUTE A CONTRACT EXTENSION WITH WASTE ZERO FOR CONTINUATION OF PAY-AS-YOU-THROW BAG FABRICATION AND INVENTORY/DISTRIBUTION SERVICES, AS PRESENTED.

POTENTIAL MOTION #3: TO DISSOLVE THE PAY-AS-YOU-THROW ADVISORY COMMITTEE/WORKING GROUP EFFECTIVE IMMEDIATELY, AND TO THANK JANE SOUTHWORTH, MOSS KAHLER, CARL HIRTH, PETER GASKILL, AND BOB SPENCER FOR THEIR SERVICE.

D. Financial Report – Monthly Report, December. Finance Director John O'Connor will be present to review and discuss the December, 2015 financial report.

NO ACTION IS REQUIRED ON THIS ITEM.

E. Annual Status Report on Implementation of Town Plan. The Town Charter requires the Selectboard “to report annually in writing on the Town’s progress toward accomplishing the goals set out in the duly adopted Town Plan.” Planning Director Rod Francis has prepared a draft report and a copy is provided in the Board’s packets. The Board is asked to review and approve the “Selectboard’s Progress Report on Town Plan Implementation” as presented. Once approved, the progress report will be included in the Town Report.

POTENTIAL MOTION: TO APPROVE THE “SELECTBOARD’S PROGRESS REPORT ON TOWN PLAN IMPLEMENTATION” AS PRESENTED.

F. Stormwater Permit for Living Memorial Park. Staff will provide information about a potential requirement for professional services to be approved for preparation of a stormwater permit for all of Living Memorial Park. This potential requirement arose as part of the Act 250 permit update for the proposed skatepark. Research is continuing as this Administrative Report is being finalized, so staff will provide a verbal update at the meeting.

POTENTIAL MOTION: TBD

G. Transportation Center Stairs – Recommend Bid Award. The Board is asked to award a bid to Wright Construction of Mount Holly, Vermont, in the amount of \$188,103, for the replacement of the eastern stairwell at the Brattleboro Transportation Center. The stairs are in an advanced state of deterioration, as described in the memorandum dated January 12, 2016, from Assistant Town Manager Moreland. The Board also is asked to approve \$6,600 for the Owner’s Project Manager contractual fee and a \$10,000 project contingency, for a total project budget not to exceed \$204,703.

POTENTIAL MOTION: TO AWARD A BID TO WRIGHT CONSTRUCTION OF MOUNT HOLLY, VERMONT, IN THE AMOUNT OF \$188,103, FOR REPLACEMENT OF THE EASTERN STAIRWELL AT THE BRATTLEBORO TRANSPORTATION CENTER, TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A CONTRACT WITH WRIGHT CONSTRUCTION FOR THIS PROJECT, AND TO APPROVE A TOTAL PROJECT BUDGET NOT TO EXCEED \$204,703.

- H. Approve Contract – Town Attorney. The Board is asked to approve a 1-year extension of Town Attorney Robert Fisher's contract, including a 1% increase in the applicable fees for a total 2016-2017 amount of \$102,010.

POTENTIAL MOTION: TO APPROVE A CONTRACT WITH FISHER+FISHER LAW OFFICES, PC, FOR A ONE YEAR TERM IN THE AMOUNT OF \$102,010.

- I. Annual Appointments – Town Attorney, Treasurer, and Town Clerk. The Board is asked to appoint Fisher+Fisher Law Offices, PC, as the Town Attorney, John O'Connor as Town Treasurer, and Annette L. Cappy as Town Clerk, all for a one year term from March 20, 2016, through March 25, 2017.

POTENTIAL MOTION #1: TO APPOINT FISHER+FISHER LAW OFFICES, PC, AS TOWN ATTORNEY FOR THE PERIOD ENDING MARCH 25, 2017.

POTENTIAL MOTION #2: TO APPOINT JOHN O'CONNOR AS TOWN TREASURER FOR THE PERIOD ENDING MARCH 25, 2017.

POTENTIAL MOTION #3: TO APPOINT ANNETTE L. CAPPY AS TOWN CLERK FOR THE PERIOD ENDING MARCH 25, 2017.

- J. Committee Appointments – Design Review Committee. The Board is asked to appoint two applicants to serve as members of the newly created Design Review Committee.

POTENTIAL MOTION: TO APPOINT BARBARA GEORGE AND ROBIN RENZONI-SWEETAPPLE TO SERVE AS MEMBERS OF THE DESIGN REVIEW COMMITTEE.

- K. Schedule March Selectboard Meetings
(i) *Reschedule Regular March 1 Meeting (to March 2 or March 8?)*
(ii) *Schedule Organizational Meeting (March 30 or 31?)*

The Board is asked to reschedule the March 1 Selectboard meeting to accommodate Town Meeting Day conflicts for BCTV and to schedule the annual organizational meeting for March 30 or March 31, 2016.

POTENTIAL MOTIONS: TBD

PBE:ja