

**BRATTLEBORO SELECTBOARD
TUESDAY, APRIL 5, 2016
EXECUTIVE SESSION – 5:15PM
REGULAR MEETING - 6:15PM
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor and Town Attorney Robert Fisher.

Media present: Chris Mays representing the Brattleboro Reformer and BCTV staff and volunteers

Others present: Adam Salviani, Jeanie Crosby, Cindy Jerome, Hugh Keelan, Kate Anderson, Moss Kahler and others who did not sign the attendance sheet.

MOTION BY DAVID GARTENSTIEN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, AND PENDING OR PROBABLE CIVIL LITIGATION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, 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 5-0.

Gartenstein reconvened the meeting at 6:15 pm.

OATH OF OFFICE

This item was skipped as DeGray was already sworn in.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM MARCH 8 AND MARCH 15, 2016 AS PRESENTED. MOTION CARRIED 4-0 (DEGRAY ABSTAINED).

CHAIR'S REMARKS

Chair Gartenstein noted that this is the first business meeting since the March 19 Representative Town Meeting. He noted this is a busy time as public works projects are beginning.

MANAGER'S COMMENTS

Town Manager Elwell shared that the Town will be receiving a \$1000 grant for the Brattleboro Dog Park from the Small and Inspiring Grant of the Vermont Community Foundation. He also stated that there is a Better Backroads Grant due April 15 for Bonnyvale Road and planning for upcoming paving. He stated that the applications will be submitted and the Board will be asked to ratify them at the April 19 meeting.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Schoales advised that the alternative financing committee of the Windham Solid Waste Management has met several times to review the programs to see which fit better in a fee-for-service model and assessment model. They are on track to get a proposal before the Selectboard.

Gartenstein attended the kickoff meeting for the Route 30 Corridor Study. This study is scheduled to be completed in 2016 and there will be public outreach opportunities. The study will look to maximize recreational opportunities and calm traffic along Route 30 from the Retreat to the Professional Center.

PUBLIC PARTICIPATION

None.

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LIQUOR COMMISSIONERS

None.

WATER AND SEWER COMMISSIONERS

MOTION BY JOHN ALLEN TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

Frost Place Water Main Lining Project – Bid Award, Department of Public Works. Public Works Director Steve Barret requested approval for a bid to clean out a 6” water main and put new epoxy coating on the inside. He advised that one bid was received and it was within the estimate. Barrett stated that they have previously worked with Heitkamp, Inc.

MOTION BY JOHN ALLEN TO AWARD A BID FOR THE WATER MAIN LINING PROJECT ON FROST PLACE TO HEITKAMP, INC., OF WATERTOWN, CONNECTICUT, IN THE AMOUNT OF \$99,300. CARRIED 5-0.

MOTION BY JOHN ALLEN TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

Police-Fire Facilities Project

(i) Next Steps

- (a) Purchase of 62 Black Mountain Road*
- (b) Retain Professionals*
- (c) Reconvene Police-Fire Facilities Building Committee*
- (d) Final Design*
- (e) Construction Timing and Sequence*

(i) Next Steps. Elwell stated that the option to purchase 62 Black Mountain Road has been executed and communication has begun to arrange inspections. Gartenstein asked if the Phase I ESA contract will come back before the Selectboard. Elwell said that it is within his authority as it will go through the Brownfields Grant process. Allen questioned if the Town could get out of the agreement if there was a major problem at the site. Elwell advised that up through the end of the inspection period, for any reason or no reason at all, the Town can withdraw and get the deposit back.

Elwell advised that the Town’s application has been submitted to the bond bank. He advised that at this point in time, it is less likely that the Town will be in a more favorable position by financing through a bank but it is still being explored. Gartenstein questioned when will know what the interest rate is. Elwell advised that it will not be known until the date it is issued. Gartenstein recalled preliminarily endorsing 20-year bonds. Elwell stated that the determination will be made in the future by the Selectboard. He added that if a bank shows interest it could affect the term as well.

Elwell recommended continuing with the former team on this project. Schoales asked about maximizing the number of local people employed on the project and recalled that Steve Horton offered to oversee a process of communicating with contractors in every area that if they had new hires that were needed due to this project that they may be local. Elwell will review that with Steve Horton. There was discussion of the architectural designs and what the Selectboard would have authority over. O’Connor asked if the Selectboard will see the architectural designs. Elwell said yes but added that the West Brattleboro Station is already designed. Substantial redesign is needed for Central and a design from scratch for Black Mountain Road. Elwell advised that there will be times that it will be brought before the Selectboard for updates and decisions. DeGray asked that change orders come back before the SB for approval. O’Connor felt that visual impact and other neighborhood impact issues should be brought before the Selectboard.

There was discussion as to whether a new motion was needed authorizing the Town Manager to negotiate with the professionals in order to bring back contract proposals. It was agreed that it was within the Town Manager's authority to do that work and bring contracts before the Selectboard for signing. Selectboard members agreed to move forward with Owner's Project Manager Steve Horton, architect Ray Giolitto, and DEW as the construction manager.

(ii) Police-Fire Facilities Building Committee

(a) Review Charge of Committee

(b) Committee Composition

Elwell advised that everyone on the previous Police-Fire Committee is eager to proceed on the committee, with the exception of Tony Farnum. There was discussion as to whether or not to appoint a new member. Gartenstein said that it could be left at 8 members and if someone expresses interest they could be appointed afterwards. It was agreed to post a vacancy for an 8th member with that member being appointed on May 3. The committee will be reconvened in April.

There was discussion of revising the charge of the Police-Fire Facilities Building Committee to accurately reflect the work at 62 Black Mountain Road. Gartenstein suggested adding that the Committee provides technical oversight to the Selectboard. Elwell and suggested that the wording also include the Town Manager.

MOTION BY DAVID GARTENSTEIN TO REVISE THE CHARGE TO THE POLICE-FIRE FACILITIES BUILDING COMMITTEE TO BE: ACTING IN AN ADVISORY CAPACITY TO THE SELECTBOARD AND THE TOWN MANAGER, THE POLICE-FIRE FACILITIES BUILDING COMMITTEE PROVIDES FINANCIAL AND TECHNICAL OVERSIGHT TO THE POLIE-FIRE FACILITIES CAPITAL IMPROVEMENT PROJECT. THAT PROJFECT INCLUDES THE FOLLOWING 3 COMPONENTS: (1) RECONSTRUCTION AND EXPANSION OF THE CENTRAL FIRE STATION, (2) REPLACEMENT OF THE WEST BRATTLEBORO FIRE STATION, AND (3) RENOVATION OF 62 BLACK MOUNTAIN ROAD AS THE NEW LOCATION OF THE POLICE STATION. MOTION CARRIED 5-0.

(iii) Public Education.

Elwell advised that the West Brattleboro Fire Station plans are near final and will move to construction phase in summer 2016. Central Fire needs substantial changes but should move to construction in late summer/early fall and the Police project in the fall.

Gartenstein suggested outreach to make sure that the public understands what is going on with the projects. He asked that the Board consider what can be done as it moves forward to keep the public informed. Allen suggested including a mailer in the tax bill. Schoales suggested articles from the Committee to the news media.

Elwell stated that State officials will tour the building and discuss their interest. The Housing Authority has expressed a similar interest and he will follow up with them. The Selectboard acknowledged that the future of the Municipal Center is a significant decision that has to be confronted and there are a lot of factors that must be considered. Gartenstein stated that the Board should begin to gather that information recognizing that there are other obligations that the administration has and to look at it as a separate agenda item in the future. He mentioned a consent agreement with the VT Division of Fire Safety in which the Town is working to resolve life safety violations and expressed opposition to pushing them off. It was acknowledged that there is a least a year before implementing any decision on the Municipal Center. It will need to look at needs and financial obligations.

Bradley House Renovation and Expansion – Potential Program Income Grant (Deferred from the March 15 Selectboard Meeting). Elwell advised that that the Selectboard previously approved the VCDP application but had postponed the decision on whether to make a grant from program income due to the concerns raised by neighbors.

There was no public comment.

MOTION BY DAVID GARTENSTEIN TO APPROVE A GRANT NOT TO EXCEED \$50,000 (EQUIVALENT TO 10% OF THE TOTAL AMOUNT GRANTED BY THE VERMONT COMMUNITY DEVELOPMENT PROGRAM UP TO A GRANT OF \$500,000) FROM PROGRAM INCOME TO THE BRADLEY HOUSE TO SUPPORT THE BRADLEY HOUSE REDEVELOPMENT PROJECT.

Gartenstein felt that given the nature of the project, previous use of program income, and the way in which the Board has supported housing projects, it is an appropriate project for a matching grant from program income. There was discussion over how to appropriately phrase the motion to reflect that the Town will grant 10% up to a cap of \$50,000. O'Connor felt that it was unusual that they are actually getting 10% more than what the State is actually giving. Moreland stated there is no clear guidance from the State for communities that have healthy program income funds and are actively using them. He advised that VCDP funds are exceedingly competitive and advised that reducing Bradley's Houses request by \$50,000 and contributing funds from local program fund would substantially benefit the project.

Gartenstein withdrew the initial motion.

MOTION BY DAVID GARTENSTEIN TO APPROVE A GRANT FROM PROGRAM INCOME TO THE BRADLEY HOUSE TO SUPPORT THE BRADLEY HOUSE REDEVELOPMENT PROJECT EQUIVALENT TO 10% OF TOTAL AMOUNT GRANTED BY THE VERMONT COMMUNITY DEVELOPMENT PROGRAM AND THE TOWN'S PROGRAM INCOME FUND JOINTLY NOT TO EXCEED \$50,000 TOTAL GRANT. MOTION CARRIED 5-0.

NEW BUSINESS

VCDP Grant – Accept and Appropriate an Implementation Grant for the Windham and Windsor Housing Trust's Portfolio Enhancement Project. Assistant Town Manager Moreland advised that the Town received preliminary notification of grant award but the bids for the work came back higher than anticipated and forced WWHT to seek more funding. The funding was obtained and the grant conditions have been met and the Selectboard is asked to accept and appropriate a VCDP implementation grant in the amount of \$425,000 for the Windham and Windsor Housing Trust's Portfolio Enhancement 3 Project, which includes building renovation and debt restructuring for 5 properties in Brattleboro. This action will require approval of a resolution provided by the State of Vermont for this purpose. The loan agreement contemplates a deferred loan for the project. It will pay the Town for general administration of the grant.

MOTION BY KATE O'CONNOR TO ADOPT A RESOLUTION TO ACCEPT A COMMUNITY DEVELOPMENT BLOCK GRANT IMPLEMENTATION GRANT IN THE AMOUNT OF \$425,000 FROM THE VERMONT COMMUNITY DEVELOPMENT PROGRAM OF THE VERMONT AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT IN SUPPORT OF THE WINDHAM AND WINDSOR HOUSING TRUST'S PORTFOLIO ENHANCEMENT 3 PROJECT, AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE ADMINISTRATIVE SERVICES AND LOAN AGREEMENTS BETWEEN THE TOWN OF BRATTLEBORO AND THE WINDHAM AND WINDSOR HOUSING TRUST, AS PRESENTED. MOTION CARRIED 5-0.

Arts Committee Proposal to Establish and Fund a Town Promotion Committee – Adam Salviani, Arts Committee Chair. Adam Salviani, Chair of the Arts Committee, brought a proposal to Selectboard requesting a new town committee dedicated to promoting the arts and small business in Brattleboro. The proposal calls for the budget for the committee to come from a surplus in the Rooms & Meals tax. The main goal will be to create additional Town revenue through tourism.

O'Connor did not support the proposal, stating that she felt that there is a lack of understanding on what the organizations and the Town currently do, there is not a surplus to fund this, and that the Town's role is not to do marketing and promotion. Schoales felt there needed to be better coordination and that the arts are critical to the community. DeGray spoke to the origins of the 1% fund and noted that the Town benefits from the events that the organizations hold. He said that this is an opportunity for the Town to be a participant and that we should try it for a couple of years because it could bring more money into the Selectboard Meeting 04-05-16

Town through the Room & Meals tax. Gartenstein expressed the following concerns: 1) there is no surplus in the fund; 2) the proposal is not in line with the charge of the Arts Committee; 3) the proposal is vague; and 4) this would be an unprecedented change in that the Town has never funded committees. Allen would like to look into it some more and requested that it be brought back before the Selectboard.

MOTION BY RICHARD DEGRAY TO ALLOCATE \$20,000 ABOVE THE PROJECTED REVENUE PROJECTION FOR THE ENSUING YEAR TO THE PROMOTIONS COMMITTEE. THAT COMMITTEE WOULD BE FORMED BY THE SELECTBOARD AND BE RESPONSIBLE TO REPORT TO THE SELECTBOARD WITH THEIR RECOMMENDATIONS.

Allen was not prepared to support the proposal and has concerns about the budget and the amount of money that would be committed. Schoales felt that the \$20,000 is an investment that would bring in a return but would like to see more evidence that there is a need and there will be a return.

RICHARD DEGRAY WITHDREW THE MOTION.

Hugh Keelan apologized that this proposal was perceived to criticize the other organizations. Angel McKinnon took exception to how the Art Committee was characterized based on prior committee members. The Town Arts Committee was a vision that is sincere in creating a structure and foundation of helping the Town and artists. Kate Anderson said that the idea of this is to promote all of Brattleboro – the outdoors, downtown, etc. She asked the Selectboard to get past the NEA Grant. The recommendation is funding for promotion, not for funding the Arts Committee. She said that despite the other efforts, we are still seeing economic decline and not fully seeing the benefits and that is for complex reasons. All of the organizations are not speaking with a unified voice.

NO ACTION WAS TAKEN.

Update on Preparations for Transition to Every Other Week Trash Collection – Assistant Town Manager Patrick Moreland and Moss Kahler. Assistant Town Manager Patrick Moreland spoke about the transition to every other week trash collection effective July 11, 2016. Recycling and composting will be collected on a weekly basis. Moss Kahler said that he worked with Triple T to make changes to the trash pickup routes. No one will have a change the day of the week that trash is picked up but there will be an A route and a B route that is picked up on alternate weeks. There will be a town mailing with the information and it will be posted on the town website. Kahler said there will be will be three compost cart distribution dates at the ice rink in May with a potential fourth one at the end of July. There will be mailings with information just prior to the curbside cart distribution days and a postcard reminder just prior to the July 11 start. Print, radio, and television media will be used to disseminate information. Kahler has reached out to social agencies in town and has offered to meet with tenants and clients if need be. He advised that Jeff Nugent from the Windham Regional Commission is working on a new map that will be posted to the Town website.

NO ACTION WAS TAKEN.

Cemetery Maintenance – Award Bid, Recreation & Parks Department. Elwell advised that there was only one bidder but that the bidder, Turner and Renaud, Inc., has done the cemetery maintenance work in the past and has done it well. Their bid was \$17,750 and is substantially lower than the funds that are available.

MOTION BY DAVID SCHOALES TO AWARD THE BID FOR 2016 SEASONAL MAINTENANCE OF THE TOWN'S CEMETERIES TO TURNER AND RENAUD IN THE AMOUNT OF \$17,750. CARRIED 5-0.

Vermont Community Foundation-Crosby Gannett Fund Grant Application and Vermont Community Foundation-Dunham Mason Fund Grant Application - Fencing for Dog Park, Recreation & Parks Department. Town Manager Elwell advised that these are both requests to the Vermont Community Foundation but for one is a \$1,000 grant from the Crosby Gannett Fund and the other is a \$500 grant from the Dunham Mason Fund.

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MOTION BY DAVID SCHOALES TO APPROVE THE PARKS AND RECREATION DEPARTMENT'S APPLICATION FOR A \$1,000 CROSBY GANNETT FUND GRANT FROM THE VERMONT COMMUNITY FOUNDATION TO PAY FOR A PORTION OF THE PURCHASE AND INSTALLATION OF FENCING AT A DOG PARK IN LIVING MEMORIAL PARK, AND TO APPROVE THE PARKS AND RECREATION DEPARTMENT'S APPLICATION FOR A \$500 DUNHAM MASON FUND GRANT FROM THE VERMONT COMMUNITY FOUNDATION TO PAY FOR A PORTION OF THE PURCHASE AND INSTALLATION OF FENCING AT A DOG PARK IN LIVING MEMORIAL PARK. MOTION CARRIED 5-0.

Drug Recognition Expert Grant Application – Governor's Highway Safety Program, Police Department. Town Manager Elwell advised that this is a grant \$1,000 Drug Recognition Expert Grant from the Vermont Governor's Highway Safety Program to pay for overtime expenses incurred to perform evaluations of suspects arrested by Brattleboro police officers and other agencies. He explained that a Brattleboro Police Officer would be trained as a Drug Recognition Expert and that person would be called out during off-duty hours, both for arrests by Brattleboro police and other law enforcement agencies, to render assistance to the arrest. The State funds the special training and provides funding to assist in paying for the overtime.

MOTION BY KATE O'CONNOR TO APPROVE THE POLICE DEPARTMENT'S APPLICATION FOR A \$1,000 DRUG RECOGNITION EXPERT GRANT FROM THE VERMONT GOVERNOR'S HIGHWAY SAFETY PROGRAM TO PAY FOR OVERTIME EXPENSES INCURRED TO PERFORM EVALUATIONS OF SUSPECTS ARRESTED BY BRATTLEBORO POLICE OFFICERS AND OTHER AGENCIES. MOTION CARRIED 5-0.

Annual Selectboard Assignments – Committees and Boards. The Selectboard agreed to the following assignments:

Windham Solid Waste Management Committee – Schoales (primary) and Allen (alternate);
Capital Grants Review Board – O'Connor and Gartenstein;
Rental Housing Improvement Program Loan Committee – DeGray;
Small Business Assistance Program – Schoales;
Traffic Safety Committee – Gartenstein;
Town Arts Committee – no representative.

Gartenstein requested a review to look at the need for the Capital Grants Review Board.

Gartenstein advised that the assignment of signing warrants will not be an agenda item, rather the Administration will reach out to members and assign periods of time.

MOTION BY DAVID GARTENSTEIN TO RE-ENTER EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING AGREEMENTS AND NEGOTIATIONS WHERE PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, OTHER PEOPLE INVOLVED, AND THE SELECTBOARD AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND ASSISTANT TOWN MANAGER ATTORNEY WERE INVITED TO ATTEND. MOTION CARRIED 5-0.

The Selectboard came out of executive session at 10:05pm and there was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 10:05 PM. MOTION CARRIED 5-0.

David Schoales, Clerk