

**BRATTLEBORO SELECTBOARD
TUESDAY, APRIL 17, 2018
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

Selectboard members present: Kate O'Connor, Brandie Starr, Tim Wessel, David Schoales, and Shanta Lee Gander.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Recreation & Parks Director Carol Lolatte, Library Director Starr LaTronica, Fire Chief Mike Bucossi, Assistant Fire Chief Len Howard, Police Chief Mike Fitzgerald, and Executive Secretary Jan Anderson.

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

Others present: Melissa Clark, Jeffrey P. Clark, Dan Deitz, Terry A. Carter, Elizabeth McLoughlin, Craig Miskovich, Kurt Daims, Morgan Casella, Kathleen Whallon, Daniel Quipp, Diana Wahle, Alex Beck, Maria Dominguez, Tim Maciel, Adam Grinold, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

Chair O'Connor called the meeting to order at 5:32pm. She confirmed that the meeting was properly warned.

MOTION BY KATE O'CONNOR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, AND THE NEGOTIATING OR SECURING A REAL ESTATE PURCHASE OR LEASE OPTION, WHERE THE BOARD HAS DETERMINED THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD OR PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND ASSISTANT TOWN MANAGER WERE INVITED TO ATTEND. MOTION CARRIED 5-0.

Chair O'Connor reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY BRANDIE STARR TO APPROVE MINUTES FROM THE APRIL 3, 2018 MEETING. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair O'Connor announced that the Board would discuss the Utility Fund Budget, the Solid Waste Budget and a Parking Study at its meeting on May 1, and would discuss the Parking Budget on May 15. She invited residents to attend the meetings and become involved in the discussions. She then announced that the curbside leaf pick-up dates were scheduled on April 20 and May 4. She also welcomed new Selectboard Member Shanta Lee Gander to her first Selectboard meeting.

MANAGER'S COMMENTS

Town Manager Elwell said that he heard from residents with concerns that the dates for the leaf pick-up in the Fall were too early because the leaves stayed on trees much later than normal, and now the Spring pick-up dates were too early because of recent snowfalls. He said that staff would look at future schedules and the general system to see if pick-up dates could better coordinate with the changing climate. He also announced that a good solution to a difficult decision made by the Board at the April 3 meeting had been achieved. He said that on April 3 the Board approved submission to FEMA for a Conditional Letter of Map Revision which would redesign the flood zone near Melrose Terrace, and that one resident spoke about the negative impact that the new flood zones would have on his property. Elwell said that the Board asked the engineers to reconsider some of the data and mapping variables,

and the results were that the concerned resident's property landed outside of the negatively affected flood zone area.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

Diana Wahle, Chair of the Diverse Workforce Development Committee (DWDC), and Alex Beck, from Brattleboro Development Credit Corporation (BDCC), spoke about a student event on April 6. Wahle said that the DWDC was founded three years ago by Police Chief Fitzgerald and School Superintendent Stahley. She said that DWDC has worked with HR Directors of larger employers in the region to bring more diversity into the workforce and attract underrepresented populations to this community. She said that on the April 6 pilot project, students from the College of St. Joseph's in Rutland came to town as part of the "Bridge to Brattleboro" concept designed by Alex Beck. Beck then spoke about the project and said it was an example of different people and programs working collaboratively. He said that the students shadowed with employees from the Town, Brattleboro Memorial Hospital, Brattleboro Retreat, and a businessperson from Cotton Mill, then had lunch at The Root Social Justice Center with Shanta Lee Gander, and dinner at Hazel's. Beck said that the purpose was to meet with young professionals and give them a sense of what it would be like to live in Brattleboro and show the differences that Brattleboro had to offer from other cities and town.

Terry Carter spoke of memories of former Selectboard Member Hugh Bronson who passed away recently.

UNFINISHED BUSINESS

Tax Implications of Act 46 Merger on Brattleboro Property Tax – Proposed Letter to Vermont State Board of Education & Vermont Agency of Education, Continued Discussion. David Schoales said that he had asked the Selectboard at the March 3 meeting to consider sending a letter to the State Board of Education and the Agency of Education seeking their approval of the Alternative Governance Structure application submitted by local school boards, school board members, and concerned citizens. He said that at the March 3 meeting, the Selectboard indicated that it did not have enough information about the two proposals to make a decision and it questioned whether the matter was under the Selectboard's area of interest, so Schoales was asked to draft a letter for the Selectboard to consider at this meeting. Schoales reviewed a history of actions taken at Representative Town Meeting (RTM) in 2014, 2015, and 2017 where RTM supported resolutions opposed to such a change in the Town School governance. He then discussed some of the Act 46 process and possible ramifications if the Town did not agree to a merger. He said that the letter he was offering to the Selectboard for signature asked the Secretary of Education and members of the State Board of Education to consider the expressed will of the voters who did not approve of a merger. Elizabeth McLoughlin offered that the Selectboard was not the appropriate body for such an action and that the Selectboard was not very familiar with the issue because it was school-related. She noted that Schoales was also a member of the School Board and the School Board voted in favor of the merger. She questioned if he was circumventing the School Board by using the Selectboard. She also offered that the matter was a School Board issue and urged the Selectboard not to support the letter. Schoales countered that the School Board had no authority under Act 46, except to elect representatives to be on the State mandated committee, Kurt Daims offered that the Town Charter addressed appropriate division of powers and that all powers not given to the Selectboard or the people were given to Representative Town Meeting. O'Connor noted her opposition to the Selectboard sending such a letter since the alternative had not been approved by the voters. There was considerable discussion by the Board, including about the complexity of Act 46, whether the matter was under the Selectboard's role, whether any proof existed that the two State Agencies had not considered the people's vote, the fact that the alternative governance structure proposal existed but was not voted upon, the timeline for submitting such a letter, further implications about whether the Board signed or did not sign a letter, and whether a letter could be composed that could be signed by members of the Selectboard but not representative of the Selectboard. The Board asked Schoales for additional information and agreed to add the matter to the May 1 agenda for further discussion.

NO ACTION TAKEN.

NEW BUSINESS

Financial Report – Monthly Financial Report, March. Finance Director John O'Connor presented and discussed the financial report for March, 2018. Kate O'Connor inquired about FEMA funds that were expected from Tropical Storm Irene, and John O'Connor confirmed that the final FEMA payment had just been received. Kate O'Connor noted that the Selectboard would discuss the utility budget, solid waste budget and parking budget at meetings in May. There was a brief discussion by the Board.

NO ACTION TAKEN.

CDBG Grant Application – Culture Made Vermont, Public Hearing. O'Connor said that the Board was asked to hold a public hearing regarding the filing of a \$1 million Community Development Block Grant (CDBG) application in support of a potential economic development project at the Exit 1 Industrial Park, and to commit in concept to some enhancements to the wastewater system.

Chair O'Connor opened the public hearing.

Assistant Town Manager Moreland said that the Board was asked to authorize submission of a grant to the Vermont Community Development Program (VCDP) for an Implementation Grant for the Brattleboro Development Credit Corporation (BDCC), as subgrantee, in the amount of \$1 million for the Culture Made Vermont Project. He said that the Board was also asked to adopt the Resolution from the VCDP for grant application authority, to identify him as the contact person, and to identify the Town Manager as the authorizing official. He then said that Culture Made Vermont would be a dairy processing facility, occupying commercial and office space at 343 John Seitz Drive at Exit 1 Industrial Park. He said that BDCC would act as the developer, establish a support company, purchase and renovate the site, and purchase and furnish all production equipment, and that Culture Made Vermont would lease the facility and production equipment from the support company. He said that the project was expected to add 46 jobs over the initial two years and would continue to add new positions until it reached full potential. He said that the expected cost was \$32.5 million of which more than \$28 million would be new investment capital in Brattleboro, all as set forth in his memo and attachments dated April 9, 2018.

O'Connor confirmed that the money would come from the Federal government and through the State to the Town, and that the Town was required to be the applicant. She noted that the Town often applied for such grants for the purpose of economic development and housing. She also confirmed that this was a grant and not a loan.

Moreland said that the Board was also asked to commit in principal to making improvements to the Town's water and wastewater facilities, minimally valued at \$840,000, to increase the capacity of the utility systems at the Exit One Industrial Park in the event that Culture Made Vermont was successful in securing its permits and project funding. He said there was a need to expand the force main exiting the Exit One Industrial Park and to connect to the Town's main sewer system for a cost of approximately \$540,000, and to more quickly replace the water levels in the 1 million gallon storage tank at Exit One Industrial Park. He said that one alternative was to increase the size of the gravity fed piping system (\$950,000) and another alternative was to install a pump system (\$300,000). He discussed differences in maintaining the two systems and said that engineers were reviewing the life cycle costs of the two systems. He noted that improvements to the system would benefit every site in the Exit One Industrial Park and improve the overall capacity for the entire Town water system. He said that to help offset the expense of the improvements, the Town and BDCC contacted the U.S. Economic Development Administration and were encouraged to apply for a public works grant to reimburse the town for 50% of capital cost. He said that within the next two months the Selectboard would be asked for permission to apply for the grant. Additionally, he said that the Culture Made Vermont project would create a new large utility customer, similar to Commonwealth Yogurt. He said that staff was recommending that the Selectboard commit in concept to the improvements in the event that Culture Made Vermont was able to move forward. He said that other actions would be brought to the Selectboard in the coming months, also as set forth in his April 9 memo.

O'Connor clarified that improvements to the wastewater system were in concept only and that the Board was not being asked to approve any expenditures. She said that it would be beneficial to the project and the State knowing that the Town was behind the project.

Schoales confirmed that if BDCC owned the building and Culture Made Vermont leased it, that any future tax stabilization agreement would be with BDCC.

Kurt Daims inquired how the public would benefit by subsidizing the sewer modifications for such a commercial facility. Town Manager Elwell agreed that sewer upgrades would absolutely benefit the Exit One Industrial Park, and the broader population of rate payers would benefit by the addition of a large user.

Wessel stated that he saw this project as a win for ratepayers, win for jobs in area, and win for the region. He said he was in favor of inviting this type of industrial project to area.

Adam Grinold, from BDCC, thanked Patrick Moreland, Peter Elwell, and the Selectboard for holding the public hearing and for assistance with this project.

Chair O'Connor closed the public hearing.

MOTION BY DAVE SCHOALES TO APPROVE AN APPLICATION TO THE VERMONT COMMUNITY DEVELOPMENT PROGRAM FOR AN IMPLEMENTATION GRANT FOR THE BRATTLEBORO DEVELOPMENT CREDIT CORPORATION IN THE AMOUNT OF \$1 MILLION FOR THE CULTURE MADE VERMONT PROJECT. MOTION CARRIED 5-0.

MOTION BY BRANDIE STARR TO ADOPT A RESOLUTION FROM THE VERMONT COMMUNITY DEVELOPMENT PROGRAM FOR GRANT APPLICATION AUTHORITY, IDENTIFYING ASSISTANT TOWN MANAGER PATRICK MORELAND AS THE CONTACT PERSON AND TOWN MANAGER PETER ELWELL AS THE AUTHORIZING OFFICIAL. MOTION CARRIED 5-0.

MOTION BY SHANTA LEE GANDER TO COMMIT IN CONCEPT TO A SET OF WATER AND WASTEWATER CAPACITY IMPROVEMENTS, VALUED AT OR ABOVE \$840,000, TO ENHANCE THE CAPACITY OF THE UTILITY SYSTEMS AT THE EXIT ONE INDUSTRIAL PARK, IF CULTURE MADE VERMONT SUCCESSFULLY SECURES ALL OF ITS PERMITS AND FUNDING TO MOVE FORWARD WITH THE PROJECT. MOTION CARRIED 5-0.

Skatepark Matters

- (i) Update on Skatepark Funding - Jeff Clark (BASIC)
- (ii) Tarrant Foundation Challenge Grant – Accept and Appropriate Grant
BASIC (Brattleboro Area Skatepark Is Coming) Committee and Recreation & Parks Department

O'Connor said that the Board asked for BASIC (Brattleboro Area Skatepark Is Coming) to provide an update on the financial status of the proposed Skatepark at Living Memorial Park. Jeff Clark and Melissa Clark, from BASIC, were present. Mr. Clark thanked the Selectboard, Town Meeting Representatives, and the residents for the continued support. He reviewed and discussed the accounting summary that was included in the Board's back-up materials. O'Connor said that the Board was also asked to accept and appropriate a Challenge Grant in an amount up to \$15,000 from the Tarrant Foundation to help pay for engineering and construction of a Skatepark in Living Memorial Park. Kurt Daims inquired if the Board was approving a grant application. O'Connor clarified that the action would be to accept and appropriate the grant funds. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO ACCEPT AND APPROPRIATE A CHALLENGE GRANT IN AN AMOUNT UP TO \$15,000 FROM THE TARRANT FOUNDATION TO HELP PAY FOR ENGINEERING AND CONSTRUCTION OF A SKATEPARK IN LIVING MEMORIAL PARK. MOTION CARRIED 5-0.

Connecticut River Joint Commissions - Appointment of Kathy Urffer to Local River Subcommittees.

O'Connor said that the Board was asked to nominate Kathy Urffer for appointment as a volunteer Brattleboro representative to the Wantastiquet Local Region Subcommittee of the Connecticut River Joint

Commissions (CRJC). She said that the CRJC consisted of members of New Hampshire's Connecticut River Valley Resource Commission and Vermont's Connecticut River Watershed Advisory Commission. She stated that Ms. Urffer was employed by the Connecticut River Conservancy as River Steward. Gander asked about any potential conflict between the volunteer position and her employment. Wessel said that the two positions were a confluent rather than a conflict. Terry Carter spoke in full support of the appointment. There was no other discussion.

MOTION BY DAVE SCHOALES TO NOMINATE KATHY URFFER FOR APPOINTMENT AS A VOLUNTEER BRATTLEBORO REPRESENTATIVE ON THE WANTASTIQUET LOCAL REGION SUBCOMMITTEE OF THE CONNECTICUT RIVER JOINT COMMISSIONS. MOTION CARRIED 5-0.

Tires in Wetlands Near West River Trailhead. Terry Carter asked the Selectboard to discuss the matter of tires that had been found in wetlands near the West River Trailhead. She discussed past and recent dumping of tires in the area and the negative environmental impacts of such actions. She suggested reading the book entitled "Ten Billion" and asked the public to contact the State and apply public pressure to clean up the area and prevent future dumping. O'Connor said that Kathy Urffer, in her capacity as River Steward at the Connecticut River Conservancy, had agreed to assist with removing the tires in the fall as part of a routine clean-up project. Dan Deitz, owner and operator of Brattleboro Tire, stated that he was not aware of active dumping of tires over the embankment, that the tires were not from his business, that he operated within the Agency of Natural Resources Guidelines, and regularly attended meetings about the proper disposal of hazardous chemicals and tires. He said that he had been involved in clean-up activities in the past and would be interested in volunteering for future clean-up projects. There was some discussion by the Board.

NO ACTION TAKEN.

Fire Ladder Truck - Request for Authorization to Proceed with Purchase. O'Connor said that the Board was asked to authorize staff to proceed with placing the order for the Fire Department's new aerial ladder truck and that placing the order by May 1 would avoid incurring a 3% price increase. Elwell said that borrowing information would not be available until after May 1 so the Board was asked to authorize placing the order now and then discuss at a later date whether to borrow from a local bank or the bond bank. He said that by prepaying in full by July 15 (in exchange for a performance bond) the Town would also will receive a substantial cost savings. He said that the total cost would be approximately \$947,000. He also noted that the Town's grant application to pay for a portion of the truck had been denied. Fire Chief Bucossi spoke about the upcoming increase in steel prices and how that would affect the price of the vehicle if ordered after May 1, and he discussed some of the vehicle options included in the order. There was a brief discussion by the Board.

MOTION BY BRANDIE STARR TO AUTHORIZE THE TOWN MANAGER TO PLACE AN ORDER TO PURCHASE A NEW AERIAL LADDER TRUCK FROM PIERCE MANUFACTURING THROUGH THE HOUSTON-GALVESTON AREA COUNCIL'S HGAC-BUY PROGRAM IN AN AMOUNT NOT TO EXCEED \$950,000. MOTION CARRIED 5-0.

Local Emergency Operations Plan – Annual Re-adoption. Fire Chief Bucossi said that the Vermont Emergency Management Division required municipalities to submit a Local Emergency Operations Plan (LEOP) each year and the Board was asked to adopt the 2018 Brattleboro LEOP and authorize the Town Manger to certify that it had been duly adopted. He said that the base template of the LEOP was provided to the Board and that the full plan and exhibits were available to view at the Fire Department. There was a brief discussion by the Board.

MOTION BY SHANTA LEE GANDER TO ADOPT THE 2018 BRATTLEBORO EMERGENCY OPERATIONS PLAN AND TO AUTHORIZE THE TOWN MANGER TO CERTIFY THAT THE PLAN HAS BEEN DULY ADOPTED BY THE BOARD. MOTION CARRIED 5-0.

Representative Town Meeting Follow-Up Matters – Discussion. O'Connor said that the Board was asked to consider certain matters that were raised at Representative Town Meeting (RTM) in March. She reviewed the list of items provided by Town Manager Elwell as set forth in his memo dated April 12, and added as item #7 the 350VT energy ballot initiative that was on the March 6 ballot. Elwell reviewed more

fully all of the items on the list and said that they were advisory only, with item #7 (energy matter) being adopted by the voters, item #1 (Cow Power) adopted during “Other Matters” at RTM with a quorum present, and items #2-6 discussed under “Other Matters” at RTM when a quorum was not present. The Board held discussions on each of the matters. The Board generally agreed to add the Cow Power (item #1) and the 350VT energy initiative (item #7) to a meeting agenda in June or July. Kurt Daims spoke in favor of Cow Power and noted that it was not intended to save money but rather was intended to start the momentum on energy issues. He said that using Cow Power on all of the Town’s 133 electric accounts would add a cost of approximately \$90,000 each year, and that the passage of the 350VT (energy) question indicated that the voters were strongly in favor of investing in renewable energy. Another speaker from the audience spoke in support of switching to Cow Power and said that Green Mountain Power could ramp up or down on Cow Power accounts fairly quickly and easily. The Board agreed that the Open Meetings Law item (#5) was being addressed by the Town Clerk and she would continue to work on that matter. The Board discussed the seating arrangement (item #4) but did not make a suggestion for next year’s meeting. The Board discussed whether to provide free child care (item #2) and agreed that it was also a matter that should include the School Board so Elwell agreed to include that matter in communications he was having with the School Board. The Selectboard members agreed to add the matter regarding funding recommended by the Human Services Review Committee (item #3) to later budget discussions. The Board agreed that the school faculty could suggest to the providers of food to use recyclable or compostable containers (item #6) and that the school could easily provide receptacles for trash and recycling during set-up of the meeting room next year.

NO MOTION WAS OFFERED.

Annual Goal Setting

- (i) *Review Update of Comprehensive Review of Town Operations (CRTO)*
- (ii) *Discussion of Selectboard Goals for 2018-2019*

Town Manager Elwell provided a progress report on several items in the Comprehensive Review of Town Operations (CRTO) and summarized some of the accomplishments met on the CRTO and on several of last year’s goals, all as set forth in his memo dated April 12, 2018 and the supporting documents. Schoales asked for an update from the Traffic Safety Committee, to schedule a meeting with the local legislators, to determine a list of energy efficiency projects with specific budget considerations, hold a discussion about electric alternatives in case of a long-term energy outage, and he requested a review of the Matrix that was performed several years ago. There was some discussion about other matters in the CRTO and it was agreed upon to add energy efficiency projects to the agenda when Cow Power and the 350VT energy ballot matter would be discussed.

O’Connor said that the Board was asked to review its list of goals and accomplishments for 2017-2018 and to discuss possible goals for 2018-2019. There was discussion by the Board about possible goals. Gander asked that a goal around being a Compassionate Community be added. The Board members agreed to send their suggestions to the Town Manager and to discuss the 2018-2019 goals at the next meeting.

NO MOTION WAS OFFERED.

Rules for Conduct – Discussion. O’Connor said that the Board was asked to discuss its “Rules for Conduct of Meetings and Hearings” and determine whether any changes should be made. There was some discussion by the Board and no changes were recommended.

MOTION BY BRANDIE STARR TO APPROVE THE “RULES FOR CONDUCT OF MEETINGS AND HEARINGS, AS PRESENTED.” MOTION CARRIED 5-0.

Annual Selectboard Appointments – Committees and Boards. O’Connor said that the Board was asked to make its annual assignments for members to serve one year terms on several Town committees and boards. After some discussion, it was decided that Starr and Gander would sit on the Capital Grant Review Board, Wessel would sit on the Rental Housing Improvement Program Loan Committee, Schoales would sit on the Small Business Assistance Program Loan Committee, and Wessel would sit on the Traffic Safety Committee. No decision was made about representatives to the Windham Solid Waste

Management District Board of Supervisors and the Board agreed to discuss it again at the next meeting.

NO MOTION WAS OFFERED.

Warrants – Rotation Schedule for Reviewing and Signing. O'Connor said that the Board was asked to agree on the schedule that Board members would review and approve warrants (accounts payable and payroll checks) for 2018-2019. It was agreed that Schoales would continue through June 7, Starr would be responsible from June 14 to August 16, Gander would be responsible for August 23 to November 1, Wessel would be responsible for November 8 to January 10, and O'Connor would be responsible for January 17 to March 28, 2019.

NO MOTION WAS OFFERED.

MOTION BY BRANDIE STARR TO ADJOURN AT 9:05PM. MOTION CARRIED 5-0.

Tim Wessel, Clerk