

**BRATTLEBORO SELECTBOARD
TUESDAY, MAY 15, 2018
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: Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Planning Director Rod Francis, Planner Sue Fillion, and Executive Secretary Jan Anderson.

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

Others present: Wayne Estey, Madan Rathore, Stephanie Bonin, Josh Steele, Elizabeth McLoughlin, Franz Reichsman, Dave Cohen, ASL interpreters Janet Dickinson and Karen Todd, and others who did not sign the attendance sheet.

Chair O'Connor called the meeting to order at 6:15pm. She confirmed that the meeting was properly warned.

APPROVE MINUTES

**MOTION BY BRANDIE STARR TO APPROVE MINUTES FROM THE MAY 1, 2018 MEETING.
MOTION CARRIED 5-0.**

CHAIR'S REMARKS

None.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Brandie Starr reminded the public that Camp for a Common Cause, a fundraiser for Groundworks Collaborative, was scheduled on Friday evening on the Brattleboro Common. She invited everyone to the event for camping, live music, barbeque, a raffle, and to interact with people from the community. She suggested contacting Groundworks for more information.

PUBLIC PARTICIPATION

Wayne Estey reported that he saw the downtown garbage hauler combine the recyclable material with the trash. He also reported that according to MSN, Bellows Falls was the poorest town in Vermont, however, his data indicated that three other towns fell into the same category. Those towns included Brattleboro, Halifax, and Athens. Chair O'Connor asked Assistant Town Manager Moreland to look into the complaint about the trash being comingled with the recyclables.

LIQUOR COMMISSIONERS

MOTION BY DAVE SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

First Class Liquor License and Outside Consumption Permit – MKR, LLC., d/b/a India Masala House
O'Connor said that the Board was asked to approve a first class liquor license and outside consumption permit for Masala House, a new restaurant located at 1380 Putney Road. Moreland confirmed that the application and necessary documents were submitted and approved by staff. Madan Rathore, owner of the restaurant, said that the restaurant located in the Quality Inn opened last week. He discussed his background in the restaurant business and plans for the new restaurant. There was a brief discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE A FIRST CLASS LIQUOR LICENSE AND OUTSIDE CONSUMPTION PERMIT FOR MKR, LLC., D/B/A INDIA MASALA HOUSE. MOTION CARRIED 5-0.

MOTION BY SHANTA LEE GANDER TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

2018 Town Plan – Second Public Hearing and Possible Adoption, Planning Department. O'Connor said that the Selectboard was being asked to hold its second public hearing on the updated 2018 Town Plan and possibly adopt it.

Chair O'Connor opened the public hearing.

Planning Director Rod Francis introduced himself, along with Planner Sue Fillion and Planning Commission Chair Elizabeth McLoughlin. He said that statutes require the Selectboard to hold two public hearings on the amended 2018 Town Plan before adopting it, and this was the second hearing. He noted that public comment was taken at the first hearing on May 1. He offered to answer any further questions.

Gander mentioned that she previously commented on the requirements in the Plan for the Town Arts Committee and suggested that a member of the committee come to a future Selectboard meeting. O'Connor suggested actively recruiting members for the committee. Gander agreed that the Board could actively assist where any gaps became apparent.

Starr noted the amount of work performed in preparing the Plan and the depth of the document. She said that much of the work was performed at a grass roots level and suggested that the Plan be looked upon as a living and overarching document.

Schoales asked if an addendum with the changes could be added to the previous plan rather than reprinting the entire amended Plan. Fillion said that the Plan had changed enough that an addendum would not suffice and the Plan would generally be distributed by thumbdrive and posted on the Town's website. Francis agreed that a large reprint would not be necessary since the Plan would generally be distributed digitally.

Wayne Estey inquired whether any changes were made to the document since the last hearing, especially regarding suggestions he made at that time. Fillion confirmed that the document had not changed since the Selectboard, who had the authority to request changes, had not done so.

Francis also noted that Josh Steele, a member of the Planning Commission, was present in the audience.

Chair O'Connor closed the public hearing. She thanked the Planning Department staff and the Planning Commission for their work.

MOTION BY BRANDIE STARR TO ADOPT THE 2018 TOWN PLAN AS OF MAY 15, 2018. MOTION CARRIED 5-0.

Selectboard Goals for 2018-2019 – Continued Review and Possible Adoption. O'Connor said that the Board was asked to consider the revised set of Selectboard goals, which had been updated to reflect the Board's prior discussion. There was no discussion by the Board.

MOTION BY SHANTA LEE GANDER TO APPROVE THE ANNUAL SELECTBOARD GOALS AS PRESENTED. MOTION CARRIED 5-0.

Proposed Letter to Vermont State Board of Education and Vermont Agency of Education. O'Connor said that the Board was asked to continue its discussion on the request by Dave Schoales to send a letter to the Vermont Secretary of Education and State Board of Education about the voters' rejection of an Act 46 merger. Schoales read a portion of the minutes from the 2014, 2015 and 2017 Representative Town Meetings where the Town Meeting Members opposed a change in the school governance without

approval of the voters. He also provided the Selectboard with a memorandum that was passed by the Brattleboro Town School District on May 2, 2018, and he requested that the Selectboard approve sending a similar letter. Wayne Estey stated that such a letter would not have to be sent to him if he were to become a State senator. There was much discussion by the Board. Starr asked that the word “viable” be removed because it was judgmental, and she thanked community members for their comments. O’Connor said that she was not in favor of the letter because it appeared as if the Alternative Governance Structure was being supported but it had not been voted upon. Wessel stated that such a letter was not within the Selectboard’s purview.

MOTION BY BRANDIE STARR TO APPROVE THE LANGUAGE IN THE PROPOSED LETTER TO THE VERMONT STATE BOARD OF EDUCATION AND THE VERMONT AGENCY OF EDUCATION, SUBJECT TO THE STRIKING OF THE FIRST SENTENCE IN PARAGRAPH 2 AND THE SETTING OF THE LANGUAGE INTO A RESOLUTION FORMAT OF WHICH THE APPROVING MEMBERS WILL SIGN. MOTION CARRIED 3-2 (O’CONNOR AND WESSEL OPPOSED).

NEW BUSINESS

Financial Report – Monthly Report for April – Finance Department. Finance Director John O’Connor presented and discussed the financial report for April, 2018. There was a brief discussion by the Board

NO ACTION TAKEN.

Financial Management Questionnaire and Internal Control Checklist – Annual Review. Finance Director John O’Connor said that the Board was asked to acknowledge receipt of (1) the Financial Management Questionnaire – Towns and Cities; and (2) the Municipal Checklist for Internal Control – Part 1, Cash Controls, and to authorize the Chair to sign the documents acknowledging receipt by the Board. He said that the documents are required before June 30 every year, and he discussed certain items and changes from last year. There were questions and some discussion by the Board.

MOTION BY DAVE SCHOALES TO AUTHORIZE THE CHAIR TO SIGN (1) THE FINANCIAL MANAGEMENT QUESTIONNAIRE–TOWNS AND CITIES, (2) THE MUNICIPAL CHECKLIST FOR INTERNAL CONTROL– PART 1, CASH CONTROLS, AND (3) THE MUNICIPAL CHECKLIST FOR INTERNAL CONTROL – PART II, OTHER CONTROLS RELATING TO CASH OR RISK. MOTION CARRIED 5-0.

Grand List – Certification of “No Appeal or Suit Pending”. Chair O’Connor said that the Board was asked to certify that no statutory appeals or suits to recover taxes paid under protest were pending against Brattleboro’s 2017 Grand List (32 V.S.A. §4155). Moreland said that with the recent settlement of the Marcrafft suit, the Town Assessor was now able to certify that no suits were pending. There was no discussion by the Board.

MOTION BY TIM WESSEL TO APPROVE THE CERTIFICATION OF “NO APPEAL OR SUIT PENDING” AS PRESENTED. MOTION CARRIED 5-0.

East Orchard Street Paving Bid Award – Department of Public Works. O’Connor said that the Board was asked to approve the bid for paving of East Orchard Street. Moreland said that the bid received from Johnson Asphalt Paving in the amount of \$34,684.50 was the lowest bid for the paving of a portion of East Orchard Street and that staff recommended approval. There was a brief discussion by the Board.

MOTION BY BRANDIE STARR TO AWARD A BID IN THE AMOUNT OF \$34,684.50 TO JOHNSON ASPHALT PAVING OF NORTHFIELD, VERMONT FOR EAST ORCHARD STREET PAVING. MOTION CARRIED 5-0.

Aerial Ladder Truck Financing – Financing Options. Chair O’Connor said that at Representative Town Meeting, the members approved purchase of a new aerial ladder truck with use of \$450,000 in cash and borrowing the remaining \$500,000. Finance Director John O’Connor said that he submitted an application for funding to the Vermont Municipal Bond Bank and received notice that the bond rate was

currently at 2.547%. He said that he also sought information on bank financing and learned that Brattleboro Savings & Loan offered a 10-year note at 2.32%, and said that a bank note was more flexible and offered the potential for early repayment. He recommended that the Board approve the loan from BS&L. There was no discussion by the Board.

MOTION BY SHANTA LEE GANDER TO WITHDRAW THE APPLICATION TO THE VERMONT MUNICIPAL BOND BANK AND TO APPROVE A 10 YEAR NOTE, AT AN INTEREST RATE OF 2.32% WITH BRATTLEBORO SAVINGS AND LOAN. MOTION CARRIED 5-0.

Police–Fire Facilities Project

- (i) *Recommendations from the Police-Fire Facilities Building Committee Regarding Use of the Remaining Bond Funds (approximately \$300,000)*
- (ii) *Disband the Police-Fire Facilities Building Committee*

Chair O'Connor said that with the completion of the Police-Fire Facilities Upgrade Project, excess bond funds in the amount of approximately \$300,000 remained in the account and the Police-Fire Facilities Building Committee had made recommendations on the use of those funds, including a new roof for the upper portion of the Police Station, a new piece of dispatch equipment for the Fire Department, and a carport to protect police cruisers. She said that the Board was asked to authorize the Town Manager to approve spending an amount not to exceed \$10,000 to design the carport. Moreland confirmed that General Fund dollars would be spent at this time with the intent that it be reimbursed from the project funds after approval by Representative Town Meeting. He discussed the proposed recommendations. There was discussion by the Board about the proposed recommendations, use of the funds for other capital projects, and reimbursement to the General Fund from the project fund.

MOTION BY TIM WESSEL TO AUTHORIZE THE TOWN MANAGER TO EXPEND AN AMOUNT NOT TO EXCEED \$10,000 FOR TECHNICAL SERVICES TO DESIGN AND DEVELOP COST ESTIMATES FOR A CARPORT AT 62 BLACK MOUNTAIN ROAD. MOTION CARRIED 5-0.

Chair O'Connor said that with the completion of the project, the Board was asked to disband the Police–Fire Facilities Building Committee. She thanked the committee members for their several years of work. There was no discussion by the Board.

MOTION BY BRANDIE STARR TO DISBAND THE POLICE–FIRE FACILITIES BUILDING COMMITTEE AND THANK THEM FOR THEIR SERVICE. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Bulletproof Vest Partnership Grant for Police Department – Bureau of Justice Assistance. O'Connor said that the Board was asked to authorize the Police Department to apply for a grant in the amount of \$1,598 for bulletproof vests. Moreland confirmed the requirement of a 50/50 match by the Town. There was no discussion by the Board.

MOTION BY SHANTA LEE GANDER TO AUTHORIZE AN APPLICATION FOR A BUREAU OF JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$1,598 TO U.S. DEPARTMENT OF JUSTICE FOR THE PURCHASE OF BULLETPROOF VESTS. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Union Station Project – Request for \$15,000 to Begin Design Work. O'Connor said that the Board was asked to approve an expenditure of \$15,000 for a design to improve Union Station (Amtrak Station). Moreland said that the Town had a legal obligation to make improvements at Union Station to bring the station into full compliance with ADA regulations. He discussed the acquisition of the station in 1972 and the subsequent use of the property, and noted that improvements had been delayed for many years. He said that he had been involved in extensive communications with Amtrak and the U.S. Department of Justice (via the U.S. Attorney's Office in Burlington) regarding the minimum required improvements to the station. He said that Amtrak was interested in making improvements to the outside of the building, including installing an aerial platform, area lighting, pedestrian safety improvements, a sidewalk next to

the building, and redesigning the external space, all as set forth in his memo dated April 24, 2018. He said that the Town, as building owner, would be obligated to provide ADA improvements to the interior of the building. He said that in reviewing the necessary improvements, staff would also look at past improvement designs and determine what, if any, of the previous improvements could be accomplished during the current renovations and, if feasible, would look toward available grants to make further improvements to the station. There was some discussion about the current condition of the station.

MOTION BY TIM WESSEL TO AUTHORIZE THE TOWN MANAGER TO EXPEND AN AMOUNT NOT TO EXCEED \$15,000 FOR TECHNICAL SERVICES TO DEVELOP CONCEPTUAL PLANS THAT ADDRESS ACCESSIBILITY AND OTHER DEFICIENCIES AT UNION STATION. MOTION CARRIED 5-0.

FY19 Parking Fund Budget – Discussion. O'Connor said that the Board was asked to consider the proposed FY19 Parking Fund Budget. She stated that a parking consultant recently provided the Board with a presentation on the downtown parking study that was recently performed. Moreland noted that the Parking Fund was operated as a stand-alone enterprise fund that did not rely on property taxes. He then reviewed the proposed budget, including revenues and expenses. He said that staff anticipated a balance of \$154,755 at the end of the fiscal year. He suggested maintaining the sum of \$100,000 in the fund and using \$54,755 used for improvements. He spoke of the many capital projects needed in the parking system, including replacement of the upper deck stairs on the western side of the Transportation Center (which had been closed due to public safety factors), paving the Preston lot, adding reflective paint in the Transportation Center, and improving the lighting at the Transportation Center. He also spoke about the possibility of transitioning the current parking meter heads to Smart Meters that would accept payment by credit cards. He said that such a transition was expected to result in increased parking meter revenue and would cost \$472.50 per meter (multiplied by 175 meters totaled about \$83,000). He suggested that the Parking Fund could borrow from the Utility Fund and repay it over 5 years at a low interest rate so the meter head replacements could be done this year rather than wait for the funds to accumulate in the Parking Fund. He also said that the vendor offered to install kiosks on a trial basis that could track data and provide an activity report. Stephanie Bonin, Executive Director of Downtown Brattleboro Alliance, said that parking was a priority for the downtown merchants. She spoke about merchants' concerns, increased bike parking, alternative transportation, increased lighting at the Transportation Center and other lots due to public safety concerns, and the use of parking apps so payment could be made on Smart Phones. Dave Cohen, from BCAT (Brattleboro Coalition for Active Transportation) and VBike (an association with a contract with VTTrans through Go Vermont), discussed dedicated bike lanes in downtown, the lack of bike parking, increased presence of cargo bikes and alternative transportation, and the need to increase pedestrian and bike access. Franz Reichsman, from the Finance Committee, suggested learning more about the meter software and noted that the cost of \$475 per meter seemed high. He asked about alternative prices to the new meter heads. Wayne Estey spoke in support of a comprehensive review of the recommendations in the Parking Study, questioned the use of phone apps since many local residents did not have Smart Phones due to the lack of reception in rural Vermont, and discussed the new 4 Square technology being more competitive. There was substantial discussion by the Board, including having a more comprehensive public discussion about the parking study, proposed recommendations, current parking program, overall parking system, problem areas, use of parking funds, creative ways to utilize space, range of capital options, and current ordinances. It was generally agreed that staff would provide a prioritized list of possible capital improvements at the June 5 meeting, along with information on existing bike racks, app-based programs, and more information on meters. It was suggested that after another discussion, the FY19 Parking Fund Budget would be added to the June 19 agenda for possible approval.

NO ACTION TAKEN.

FY19 Solid Waste Budget – Discussion. O'Connor said that the Selectboard was asked to review the proposed Solid Waste Fund Budget. Moreland reviewed the proposed budget and discussed the revenue and expenses. He noted that a transfer from the General Fund would be necessary this year due to the lack of revenue and increased expenses. He discussed the volatility in the global recycling market and

the substantial increase in the cost to recycle. He suggested that the Solid Waste Budget may be combined with the General Fund Budget discussions in the future for this reason. Franz Reichsman commented on the single stream recycling program. Wayne Estey inquired about a reserve in the fund. There was some discussion by the Board about the proposed budget, the pay-as-you-throw program, and recycling.

NO ACTION TAKEN.

2% Pay Increase for Non-Union Employees - Effective July 1, 2018. O'Connor said that the Board was asked to approve a 2% pay increase for non-union employees, effective July 1, 2018, as recommended in the memorandum dated May 9, 2018 from Town Manager Elwell. There was no discussion by the Board.

MOTION BY SHANTA LEE GANDER TO APPROVE A 2% PAY INCREASE FOR NON-UNION EMPLOYEES, EFFECTIVE JULY 1, 2018. MOTION CARRIED 5-0.

July 3 Selectboard Meeting – Confirm, Cancel, or Reschedule for July 5. O'Connor said Board was asked to consider whether to meet on Tuesday, July 3 – the day before the Fourth of July holiday. She said that she recently learned that the Board must approve the tax rate in order to prepare tax bills, which must be mailed by Friday, July 13, in order to maintain the regular tax payment schedule. She said that the Board could meet on either July 3 or July 5 to set the tax rate, and she suggested maintaining the regular Tuesday schedule and asked that it be a short meeting. The Board agreed to meet on July 3.

NO MOTION WAS OFFERED.

Town Committees and Boards

- (i) *Announce Vacancies*
- (ii) *Disband the West River Park Committee*

(i) O'Connor said that the Board was asked to announce vacancies on the Town's committees and boards for terms beginning on July 1, 2018. Wessel and Schoales read the multiple vacancies. O'Connor said that applications may be submitted to the Town Manager's Office and the Board would make appointments at its June 5 and June 19 meetings, and on subsequent meetings as needed.

NO MOTION WAS OFFERED.

(ii) O'Connor said that the Board was asked to disband the West River Park Committee since the park had opened and the committee was no longer necessary. There was no discussion by the Board.

MOTION BY TIM WESSEL TO FORMALLY DISBAND THE WEST RIVER PARK COMMITTEE AND THANK EVERYONE FOR THEIR EXCELLENT SERVICE. MOTION CARRIED 5-0.

There was no further business.

MOTION BY BRANDIE STARR TO ADJOURN AT 9:14PM. MOTION CARRIED 5-0.

Tim Wessel, Clerk