

**BRATTLEBORO SELECTBOARD
TUESDAY, JUNE 16, 2020
COMMITTEE INTERVIEWS – 5:45PM
REGULAR MEETING – 6:15PM
HELD REMOTELY VIA GoToMeeting
MINUTES**

NOTE: Per the “Stay Home – Stay Safe” order issued by Governor Scott, this meeting was held remotely with no physical location using GoToMeeting.

Selectboard members in attendance: Tim Wessel, Elizabeth McLoughlin, Ian Goodnow, Daniel Quipp, and Brandie Starr.

Staff participating: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Highway/Utilities Superintendent Dan Tyler, Finance Director Andre Jaeger, and Executive Secretary Jan Anderson.

Others participating: Allegra Carignan, Ricky Davidson, Rebecca Day, Gary Stroud, Frank Osten, Sascha Bratton, Zoe Cunningham-Cook, Lucy [no last name offered], Jackson Stein, Saskia Bailey-de Bruijn, Joshua Wyman, Maeve Campman, Tabitha [no last name offered], Lou Racine, Grace Roundtree, Harley Walker, Ben Somin, Eli Holmes, Alexys Sweeney, Jenna [no last name offered], Liz [no last name offered], Dick DeGray, Andrew [no last name offered], Echo Marshall, Sophia [no last name offered], Franz Reichsman, Maya Hasegawa, HB Lozito, Robin Morgan, Cory Sorensen, Oscar Heller, Maya [no last name offered], Misha [no last name offered], Fhar Miess, Mac Gander, Tara O'Brien, ASL interpreters Janet Dickinson and Karen Todd, and BCTV staff and volunteers.

Chair Tim Wessel convened the meeting at 5:45pm. He announced that several people were scheduled for interviews on the Recreation & Parks Board and the Tree Advisory Committee. Applicants for the Recreation & Parks Board - Allegra Carignan, Ricky Davidson, Rebecca Day, and Gary Stroud – were interviewed. At the end of those interviews, Chair Wessel noted that the business meeting was about to start and there was not enough time to conduct interviews for the Tree Advisory Committee. The Board agreed to reschedule interviews to the July 7 meeting.

Chair Wessel reconvened the meeting and called it to order at 6:15pm. He confirmed that the meeting had been properly warned. He briefly discussed some operational procedures for use of the GoToMeeting format.

APPROVE MINUTES

Wessel asked the Board to approve the minutes from the May 26, 2020 meeting. There was no discussion.

MOTION BY IAN GOODNOW TO APPROVE THE MINUTES OF MAY 26, 2020. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Wessel announced that the official groundbreaking for the skatepark at Living Memorial Park took place earlier this week.

MANAGER'S COMMENTS

Town Manager Elwell invited the public to a public forum “Conversation with Police Chief Mike Fitzgerald” that was scheduled on Wednesday on the Brattleboro Common starting at 5:30pm.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Quipp noted that the Traffic Safety Committee would meet on Thursday, June 18, at 8:00am.

Goodnow noted that the Board of Civil Authority ad hoc committee met last Friday to discuss preparations for the primary election in August. He encouraged the public to vote by mail. He added that the BCA would meet again on Friday and he encouraged other Selectboard members to attend.

PUBLIC PARTICIPATION

None.

WATER AND SEWER COMMISSIONERS

MOTION BY DANIEL QUIPP TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

Utility Rates Ordinance - Second Reading, Public Hearing, and Adoption, Chapter 18 (Water and Sewer):

- (i) Article II (Sewers), Division 5 (Rents), Sec. 18-137 (Sewer Rates), (a) through (c);
- (ii) Article III, (Water), Division 2 (Rates), Sec. 18-163 (Metered Service), (a) and (b)

Elwell said that the Board was asked to hold a second reading and public hearing on the proposed amendments to Chapter 18 of the Brattleboro Code of Ordinances. He summarized the process to amend the ordinances and spoke about the need to increase the water and sewer rates, as set forth in his memo dated June 9, 2020.

Chair Wessel opened the public hearing. Selectboard member McLoughlin commented that she appreciated Quipp's comments at the last meeting to finesse the increases to minimal amounts, and noted this was essential business of Town that needed to be implemented. Starr agreed with McLoughlin. Elwell read a summary of the increases from the Administrative Report. There was no public comment. Chair Wessel closed the public hearing.

MOTION BY DANIEL QUIPP TO APPROVE THE AMENDMENT TO CHAPTER 18 OF THE BRATTLEBORO CODE OF ORDINANCES, AS PRESENTED. MOTION CARRIED 5-0.

Purchase of Culvert for the Water Treatment Plant Waste Line Project. Elwell said that the Board was asked to authorize purchase of an aluminum box culvert from Everett J. Prescott, Inc., in the amount of \$25,207.89 in support of the Pleasant Valley Water Treatment Plant Waste Line Project. He said that a contractor would be hired in the future to install the infrastructure after the culvert had been purchased. Highway/Utilities Superintendent Dan Tyler spoke specifically about the culvert, as set forth in his memo dated June 5. There was a brief discussion by the Board.

MOTION BY BRANDIE STARR TO AUTHORIZE EXPENDITURE OF \$25,208.89 TO EVERETT J. PRESCOTT, INC., FOR PURCHASE OF AN ALUMINUM BOX CULVERT FOR THE PLEASANT VALLEY WATER TREATMENT PLANT WASTE LINE PROJECT. MOTION CARRIED 5-0.

MOTION BY BRANDIE STARR TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

COVID-19 Update

- (i) Overall Update
- (ii) Review of COVID-19 Amended Emergency Order: "Wearing Face Coverings Required"

(i) Town Manager Elwell provided a brief update about the Town's operations during the ongoing COVID-19 pandemic, including the installation of parklets in parking spaces downtown for participating

businesses to conduct business outside in order to comply with the Governor's order limiting the number of people allowed in enclosed spaces. There was a brief discussion by the Board.

(ii) Wessel noted that he had asked the Board to review its order requiring the wearing of face coverings in Brattleboro businesses. There was a brief discussion by the Board. It was agreed to add this matter to the July 21 agenda to discuss again after the Governor's emergency order was due to expire on July 15.

NO ACTION TAKEN.

Parking Fund Matters

- (i) *Adoption of the FY21 Parking Fund Budget*
- (ii) *Transfer from the General Fund to the Parking Fund*

Elwell stated that the Board discussed the FY21 Parking Fund Budget at its meetings on May 19 and June 2 and was now asked to adopt it. He also discussed the request to transfer funds from the surplus in the General Fund to the Parking Fund Budget prior to the end of the fiscal year to allow some capital improvements in the parking infrastructure, as set forth in the memo from Assistant Town Manager Patrick Moreland, dated June 10, 2020. He noted that without the transfer of funds certain capital projects would be postponed due to the deficit in the Parking Fund because of the closure of parking enforcement operations during the COVID-19 era, including resurfacing the Preston Parking Lot (at a cost of \$30,000) and waterproofing a portion of the Brattleboro Transportation Center to eliminate leakage into the retail and office spaces on the lower level. He said that according to a recent estimate, the cost of waterproofing would be approximately \$30,000 per floor and staff suggested waterproofing the bottom two floors. There was much discussion by the Board, including about the amount of surplus in the General Fund, monthly revenue from parking enforcement, water leakage into retail stores/offices, cost of lost parking revenue due to the installation of downtown parklets, and the condition of the Preston Lot. The Board agreed to transfer \$90,000 to resurface the Preston Parking Lot and waterproof the two lower floors at the Brattleboro Transportation Center.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE THE FY21 PARKING FUND BUDGET, AS PRESENTED. MOTION CARRIED 5-0.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE A TRANSFER OF \$90,000 FROM THE GENERAL FUND TO THE PARKING FUND. MOTION CARRIED 5-0.

FY21 General Fund Budget – Adoption. Elwell said that the Board was asked to approve the FY21 General Fund that previously was recommended by the Selectboard for adoption by Representative Town Meeting (RTM). He noted that RTM was cancelled in March due to the COVID-19 pandemic. He said that Selectboards in towns that had not held their Town Meetings were now empowered to adopt the FY21 budget due to a special act of the Vermont Legislature. He noted that staff had presented a proposed budget to the Board in August 2019, and the Board then met every week from November 2019 through January 2020 to finalize the FY21 budget, and it was approved by the Board on January 28, 2020. He said that after the cancellation of RTM, the Board discussed the budget at its last meeting on June 2 and scheduled it for adoption at this meeting. Quipp noted that a national movement was forming to defund or abolish police departments after multiple incidents of alleged police brutality in several states and he suggested that many members of the public were attending this meeting for that purpose. Wessel asked the public for comment and asked them to keep their comments to two minutes. Several people provided their opinions and comments, many of which supported holding police accountable for their actions, recognizing and dismantling racism, shifting funds to human services, possible funding of the CPCC, rejecting the proposed budget, abolish police and the justice systems, and defunding or removing the police budget from the proposed FY21 General Fund Budget: Frank Osten, Sascha Bratton, Zoe Cunningham-Cook, Lucy [no last name offered], Jackson Stein, Saskia Bailey-de Bruijn, Joshua Wyman, Maeve Campman, Tabitha [no last name offered], Lou Racine, Grace Roundtree, Harley Walker, Ben

Somin, Eli Holmes, Alexys Sweeney, Jenna [no last name offered], Liz [no last name offered], Andrew [no last name offered], Echo Marshall, and Sophia [no last name offered]. Other people also joined the discussion and provided their comments and opinions, including some who voiced support for the Police Department, and others noting that a national movement had moved into a local setting, inviting people to get involved in the FY22 budget process and other Town committees and activities, supporting mental health services and funding human services more heavily, making the budgetary process more accessible, delaying the budget approval, and creating a citizen committee to discuss policing resources and community safety: Dick DeGray, Franz Reichsman, Maya Hasegawa, HB Lozito, Robin Morgan, Cory Sorensen, Maya [no last name offered], Misha [no last name offered], Fhar Miess, Mac Gander, and Tara O'Brien. Oscar Heller spoke against making a radical shift in the budget at the last minute with no process in place to revise it, suggested looking at the FY22 budget process to be a more inclusive process, asking the Board to make a strong commitment to reimagine police practices and community safety, and requesting the Board to form a citizen group to begin immediately with broad representation.

Chair Wessel called for a recess at 9:00pm. He reconvened the meeting at 9:15pm.

The Board held a very lengthy discussion and each member provided their comments and opinions. Quipp commented that he recognized that different people had different experiences around policing. He said he had several questions that he could not answer at this time, including how policing in the community could be improved and what help the police would like. He said that he wanted to continue to learn more and could not have answers or do effective work around improving the police department in the two weeks before the fiscal year ended and when a new budget would be required. He said that he was in favor of passing the budget and making a clear commitment to move forward and taking a long-term, thorough, inclusive, welcoming look at whether or not policing as practiced in Brattleboro met the community's needs. He encouraged residents to get involved in the budget process and town operations by running for seats on Representative Town Meeting, or the Selectboard, or other committees and boards.

McLoughlin noted that the Board had been working on the budget for most of the year and it was very late to request changes. She noted that the Legislature passed a bill authorizing Selectboards to pass the budget this year so the town could function as of July 1. She agreed that the Board should look deeper into the Police Department's practices and restrictions on force, examine existing role and composition of police force and alternatives, review how the department works with mental health agencies and homeless agencies, and discuss restorative justice. She suggested that RTM may form a new committee to address community needs and public service through policing and human services and then become more involved in future budget processes.

Wessel announced that Cassandra Holloway had submitted a written statement that she requested be read at the meeting. He read her statement in full.

Goodnow said that he was listening to Brattleboro citizens' requests that police functions be reviewed. He agreed that a community movement was taking place and reform would take time and be more than a simple budget cut. He said that the Board also appeared to be in agreement with review police practices. He said that he could not support a budget that had not been reviewed since January without making an adjustment to re-evaluate rural policing. He offered to hold a special meeting before July 1 to review the budget.

Wessel questioned what material changes had taken place in Brattleboro in the last two weeks (since the Board last reviewed the FY21 budget) that would question the budget. He noted that a national trauma was transferring into a local issue. He spoke in support of the Police Department and mentioned a recent incident on Putney Road where two Brattleboro Police Officers properly de-escalated an incident that could have gone a different way. Zoe Cunningham-Cook interrupted him to interject that Black Lives Matter and that police, in particular, affect Black lives. When Wessel continued, he said that the murder of George Floyd (in Minneapolis) was painful to the nation, but no remedy to that pain was included in

passing the budget. He spoke about the efforts of Police Chief Fitzgerald to build the department to be reflective of community values. He said that he respected the movement to make policing better, but could “not toss out a well-vetted budget” to make a symbolic gesture toward evils happening outside of town.

Starr admitted that she was grappling between being a Board member and an activist. She acknowledged programs that the Police Department had instituted, including Project CARE, Coffee with a Cop, and programs with children, Turning Point, Groundworks, and COSU. She said that she would support shifting money to human services and wanted to compare the amount of money in the budget going to policing with the amount going to human services. She spoke about a past personal incident with police misconduct when she was 14 years old, and suggested that a licensed social worker could have assisted the police in that instance. She said that the Board should have thought more about human services during the budget process so she would not support this budget.

MOTION BY DANIEL QUIPP TO APPROVE THE FISCAL YEAR 21 BUDGET, AS PRESENTED. MOTION CARRIED 3-2 (STARR AND GOODNOW OPPOSED).

NEW BUSINESS

Financial Report – Monthly Report for May. Elwell introduced the new Finance Director Andre Jaeger. Jaeger spoke about the financial report for May 2020, as set forth in his memo dated June 4. He invited anyone with questions to contact him. There was no discussion by the Board.

NO ACTION TAKEN.

Financial Management Questionnaire and Internal Controls Checklist – Annual Review. Finance Director Jaeger said that the Board was asked to acknowledge receipt of the (1) Financial Management Questionnaire–Towns and Cities; (2) Municipal Checklist for Internal Control – Part 1, Cash Controls, and (3) Municipal Checklist for Internal Control – Part 2, Other Controls relating to Cash or Risk, as set forth in his memo dated May 27, 2020. He said that the Board was also asked to authorize the Chair to sign the documents acknowledging receipt by the Board. There was a brief discussion.

MOTION BY IAN GOODNOW 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 2, OTHER CONTROLS RELATING TO CASH OR RISK. MOTION CARRIED 5-0.

FY21 Salary Increase for Non-Union Employees. Elwell said that the Board was asked to approve a 2% pay increase for all non-union employees for FY21 for reasons set forth in his memo dated June 10, 2020. He explained that most employees were covered by collective bargaining agreements and three of the four agreements provided for a 2% salary increase. This increase would affect management, two confidential employees, and some part-time employees. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE A 2% PAY INCREASE FOR ALL NON-UNION EMPLOYEES FOR FY21. MOTION CARRIED 5-0.

Deerfield Valley Communications Union District – Recommendation to Join. Elwell said that the Board was asked to approve the Town becoming a member of the Deerfield Valley Communications Union District and to appoint a representative and two alternate representatives. He provided a condensed summary of previous direction from the Board for staff to investigate the creation of a CUD. He said that the Deerfield Valley Communications Union District had recently been formed, as set forth in the memo from Assistant Town Manager Patrick Moreland, dated June 8, 2020. He suggested that Patrick Moreland be appointed as the Town’s representative, and that he and Sue Fillion be appointed as alternates. There was some discussion by the Board. Goodnow offered to be one of the alternates and

Elwell agreed to step aside so Goodnow could have that position.

MOTION BY TIM WESSEL TO APPROVE THE TOWN OF BRATTLEBORO BECOMING A MEMBER OF THE DEERFIELD VALLEY COMMUNICATIONS UNION DISTRICT, AND TO APPOINT ASSISTANT TOWN MANAGER PATRICK MORELAND AS THE TOWN'S REPRESENTATIVE ON THE BOARD OF THE DEERFIELD VALLEY COMMUNICATIONS UNION DISTRICT, AND TO APPOINT IAN GOODNOW AND PLANNING SERVICES DIRECTOR SUE FILLION AS THE TOWN'S ALTERNATE REPRESENTATIVES ON THE BOARD OF THE DEERFIELD VALLEY COMMUNICATIONS UNION DISTRICT. MOTION CARRIED 5-0.

Municipal Center Restoration/Renovation Project

- (i) *Memorandum of Understanding with Windham and Windsor Housing Trust*
- (ii) *Authorization of Funding for Feasibility Study*

Elwell said that a tentative partnership had been formed with the Windham and Windsor Housing Trust to renovate the Municipal Center with housing on the upper two floors and municipal offices and tenants on the lower floors. He said that the Board was asked to authorize him to enter into a memorandum of understanding with the Windham and Windsor Housing Trust for a feasibility study regarding the potential joint project to renovate the Brattleboro Municipal Center. He added that the Board was also asked to authorize the expenditure of an amount not to exceed \$50,000 as a forgivable loan from the Town's Program Income to pay for out-of-pocket expenses associated with the feasibility study, all as set forth in the memo from Assistant Town Manager Moreland dated May 29. There was a brief discussion by the Board.

MOTION BY BRANDIE STARR TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE WINDHAM AND WINDSOR HOUSING TRUST FOR THE CONDUCT OF A FEASIBILITY STUDY FOR THE MUNICIPAL CENTER RENOVATION PROJECT, AND TO AUTHORIZE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$50,000 FROM PROGRAM INCOME AS A FORGIVABLE LOAN TO THE WINDHAM AND WINDSOR HOUSING TRUST FOR OUT-OF-POCKET EXPENSES ASSOCIATED WITH THE FEASIBILITY STUDY FOR THE MUNICIPAL CENTER RENOVATION PROJECT. MOTION CARRIED 5-0.

Restart Vermont Grant and Loan Program – *Authorization of Town Participation and Use of Program Income Funds.* Elwell said that the Board was asked to approve the Town's participation in a small business COVID-19 recovery program being organized by the State of Vermont, including use of the Town's Program Income funds, as set forth in the memo from Assistant Town Manager Moreland, dated June 9, 2020. There was a brief discussion by the Board.

MOTION BY DANIEL QUIPP TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A MEMORANDUM OF INTENT WITH THE VERMONT AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT FOR PARTICIPATION IN THE RESTART VERMONT GRANT AND LOAN PROGRAM. MOTION CARRIED 5-0.

Department of Justice COVID-19 Grant – *Ratification of Town Manager's Decision to Accept and Appropriate.* Elwell said that the Board was asked to ratify his decision to accept and appropriate a grant from the U.S. Department of Justice's Coronavirus ESF Program to the Brattleboro Police Department in the amount of \$39,730 for COVID-19 related expenses for overtime, supplies, and personal protective equipment. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO RATIFY TOWN MANAGER ELWELL'S DECISION TO ACCEPT AND APPROPRIATE A \$39,730 GRANT FROM THE OFFICE OF JUSTICE PROGRAMS FOR COVID-19 RELATED EXPENSES AT THE BRATTLEBORO POLICE DEPARTMENT. MOTION CARRIED 5-0.

Appointments for FY21

- (i) *Appointments to Fill Vacancies on Town Committees and Boards*
- (ii) *Appointments to In-House Staff Positions*

Elwell said that the Board was asked to (1) appoint several applicants to various Town committees and boards, as set forth on the list contained in the Board's back-up materials; and (2) re-appoint the following In-House Staff Positions: Town Manager Peter Elwell as Collector of Taxes for a one-year term, Public Works Director Steve Barrett as Road Commissioner for a one-year term, and Zoning Administrator Brian Bannon as Zoning Administrative Officer for a three-year term. There was a brief discussion by the Board, and it was agreed that appointments for the Recreation & Parks Board, Tree Advisory Commission, and Weigher of Coal would be postponed until the next meeting when the Board could conclude interviews.

MOTION BY IAN GOODNOW TO APPOINT THE FOLLOWING PERSONS TO THE FOLLOWING COMMITTEES AND BOARDS:

ADA Advisory Committee - Mary McLoughlin
Brattleboro Housing Partnerships Board of Commissioners - Elizabeth Harrison
Cemetery Committee - Jane Fletcher
Citizen Police Communications Committee - Leesette Bengar and Jason Schmotzer
Conservation Commission - Marilyn Chiarello
Design Review Committee - Robin Sweetapple
Design Review Committee Alternate - Nora Dissinger
Development Review Board - Kathryn Turnas II
Energy Committee - Oscar Heller (3-year term), Millicent Cooley (1-year term), and Tony Duncan (2-year term)
Honor Roll - Sherwood Lake, Sr., E. David Wright, and Richard Campbell
Nelson E. Withington Fund Advisory Committee - Richard Carroll and Peter T. Richards
Planning Commission - Thomas Mosakowski
Rescue, Inc., Trustee - Debra Miller Chapman
Traffic Safety Committee - Deb Bunker (as the Chamber of Commerce representative).
MOTION CARRIED 5-0.

MOTION BY DANIEL QUIPP TO RE-APPOINT TOWN MANAGER PETER ELWELL AS COLLECTOR OF TAXES FOR A ONE-YEAR TERM, AND RE-APPOINT PUBLIC WORKS DIRECTOR STEVE BARRETT AS ROAD COMMISSIONER FOR A ONE-YEAR TERM, AND RE-APPOINT ZONING ADMINISTRATOR BRIAN BANNON AS ZONING ADMINISTRATIVE OFFICER FOR A THREE-YEAR TERM. MOTION CARRIED 5-0.

There was no further business.

MOTION BY ELIZABETH McLOUGHLIN TO ADJOURN AT 10:55PM. MOTION CARRIED 5-0.

Ian Goodnow, Clerk