Selectboard members present: Brandie Starr, Tim Wessel, Elizabeth McLoughlin, and David Schoales (who was present for executive session only).

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Human Resources Director Sally Nix, Public Works Director Steve Barrett, Fire Chief Mike Bucossi, Assistant Fire Chief Leonard Howard, Finance Director John O’Connor, and Executive Secretary Jan Anderson.

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

Others present: Emilie Kornheiser, Josh Davis, Kipton Tewksbury, Hugh Barber, Will Wohnus, David Levenbach, Jason Cooper, Jacqueline Reis, Spoon Agave, Daniel Lynd, Fric Spruyt, Tony Duncan, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

Chair Starr called the meeting to order at 5:45pm.

MOTION BY BRANDIE STARR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATION AGREEMENTS WITH EMPLOYEES, PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, AND THE APPOINTMENT OF A PUBLIC OFFICER OR EMPLOYEE, 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, ASSISTANT TOWN MANAGER, AND TOWN ATTORNEY WERE INVITED INTO THE SESSION. MOTION CARRIED 4-0.

Chair Starr reconvened the meeting at 6:18pm. She confirmed that the meeting was properly warned.

APPROVE MINUTES

Starr asked the Board to approve the minutes from the June 4 meeting. There was no discussion.

MOTION BY TIM WESSEL TO APPROVE THE JUNE 4 MEETING MINUTES. MOTION CARRIED 3-0.

CHAIR’S REMARKS

Chair Starr noted that only three Board members were present for the rest of the meeting and that a quorum was present.

MANAGER’S COMMENTS

Town Manager Elwell introduced the new Human Resources Director Sally Nix. He said that she started yesterday and moved from Fitchburg, Massachusetts, where she was employed in the public school system for 23 years. He also announced that a public forum on the opiate crisis was scheduled on Thursday, June 20, from 6:00pm to 8:00pm, at the Central Fire Station, and he invited the community to attend. He also reminded the public that the Selectboard would meet only once in July and that was scheduled on July 9.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Wessel confirmed that he would attend the opiate forum on June 20 and inquired about the Open Meeting Law.
PUBLIC PARTICIPATION
Emilie Kornheiser, Director of Workforce Development at Youth Services, announced that a day-labor program had been established for people who were not a part of the traditional workforce. She said that the program would provide an opportunity for various people to access daywork in a non-exploitive way and employ people when they were ready to work for as long as they chose. She said that the program would meet existing labor laws with dignity, protect workers’ labor rights, comply with workers’ compensation considerations, protect tax liabilities, and provide supportive services. She noted that the workers in the program would meet at a set location, then be transported to various locations, would be provided with lunch and opportunities to access more social services, then would return to the workday, and driven to the pick-up site. She said the program was a collaboration between Youth Services and Groundworks collaborative and that the organizers were ready to move forward with funding discussions with the Town. Board members noted their appreciation of the amount of work put into the development of the program and asked that it be added to a future agenda for a full and public discussion.

Josh Davis, Director of Groundworks Collaborative, spoke in support of the day-labor program. He noted the complexities around the legal aspects and the importance of treating workers with dignity.

Kipton Tewksbury, of Brattleboro Time Trade, spoke of the intent to hold a Repair Café in order to repair items and keep them from entering into the waste stream. He said that the organizers would hold fundraisers and also ask for donations at time that participants received services. McLoughlin added that her daughter participated in Fix It Clinics in Boston and she provided suggestions in organizing the event.

WATER AND SEWER COMMISSIONERS

MOTION BY TIM WESSEL TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 3-0.

Fence Around Chestnut Hill Reservoir – Bid Award. Public Works Director said that the Board was asked to award a contract for chain link fencing around the Chestnut Hill Reservoir to Wayside Fencing, of Brattleboro, in the amount of $20,946.30. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO AUTHORIZE TOWN MANAGER ELWELL TO ENTER INTO A CONTRACT IN THE AMOUNT OF $20,946.30 WITH WAYSIDE FENCING OF BRATTLEBORO, VERMONT, FOR INSTALLATION OF A CHAIN LINK FENCE AROUND THE CHESTNUT HILL RESERVOIR. MOTION CARRIED 3-0.

MOTION BY TIM WESSEL TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 3-0.

Financial Report – Monthly Report for May – Finance Department. Finance Director John O’Connor discussed the financial report for May, 2019. There was no discussion by the Board.

NO ACTION TAKEN.

Transfer from General Fund to Solid Waste Fund. Elwell said that the Board was asked to approve a year-end transfer of $40,000 from the General Fund to the Solid Waste Fund. He said that the recycling materials market continued to be volatile and that the budget for next year would be set up with the intent to avoid such a transfer. He added that the General Funds contained the funds to allow such a transfer. There was a brief discussion by the Board. Fric Spruyt commended the Town for its continued participation in recycling in spite of the volatile market. There was no discussion by the Board.

MOTION BY TIM WESSEL TO Approve A Transfer Of $40,000 From The General Fund To The Solid Waste Fund. MOTION CARRIED 3-0.
Ordinance Amendment – First Reading, Chapter 8, Article 4 – Rental Housing Registration and Inspection. Elwell said that the Board was asked to hold a first reading on amendments to Chapter 8, Article 4, of the Brattleboro Code of Ordinances to add a Rental Housing Inspection Ordinance, as set forth in his memo, dated June 11, 2019. He said that discussions had taken place at previous Board meetings and several community meetings with landlords. He said that the purpose of the amendments was to improve fire safety conditions on rental housing throughout the Town. He said that the current inspection schedule took place approximately once every 10 years and the proposed amendments would provide a plan to increase inspections to once every 4 years. He said that cost for inspections would be $75.00 per unit and would be payable only during the year of the inspection, which would break down to a cost of $1.56 per unit per month. He said that a registration form would be required each year with any changes to the buildings, but payment would only be required in the year of the inspection.

Starr opened a public hearing. Tim Wessel suggested that the inspections on his rental properties were reassuring and he spoke about the simplicity of the registration form. He asked if Airbnb’s would be affected. Town Attorney Fisher said that those units were not covered under the proposed amendments but were addressed on a State-level. Fisher also corrected a statement on the FAQs page included in the Board’s back-up materials and spoke about situations that contained minor violations. Assistant Fire Chief Howard noted that the registration form could be found on the Town’s website and would contain a box to check if no changes took place during the year.

Elizabeth McLoughlin noted that Representative Town Meeting approved taking this action.

Jason Cooper, property manager of several properties, spoke at length with concerns about the ordinance amendment. He said he was in support of fire safety but wanted a method to quantify the success of the program. He also spoke of concerns about the amount of time and resources that would be required, the lack of concentration on tenants who caused damage to the properties, and the bureaucracy and costs of the program. He proposed that the focus be on challenged properties and that inspections of other properties be waived. Elwell noted that landlords had protections in the law against tenants who damaged property. He also noted that the majority of inspections contained minor violations and did not carry a fine.

Will Wohnus, owner of three rental units on Elliot Street, spoke of concerns regarding subsidized voucher-supported housing. He said that those units were not rented at market value and costs of maintenance could not be passed onto the agencies providing the housing vouchers. He suggested waiving or prorating the inspection fees on those units. He also noted that HUD inspections took place when those apartments turned over. He said that he agreed with Cooper’s suggestion addressing problem tenants and he spoke of an incident he was facing with the eviction of a certain tenant who would soon find herself homeless. Starr agreed that such an incident was the failure of the system and was heartbreaking and frustrating.

Fric Spruyt, owner/manager of several properties, said that local landlords were a valuable community resource, who cared about the welfare of the tenants. He said that he supported the comments from Cooper and Wohnus and did not feel supported by the Town. He said that the Brattleboro Housing Authority and Vermont State Housing Authority inspected voucher-supported housing units each year. He also suggested that the Town provide trash pick-up for commercial housing buildings. He inquired about the number of problematic units in town. Assistant Fire Chief Howard responded that it was about 40%.

Hugh Barber spoke of some favorable experiences that he had in the past with Fire Department and Public Works personnel in connection with improvements to his buildings. He said that he spent substantial money to improve the condition of his property and suggested that the inspection procedure
concentrate on problem properties. He also noted that he paid Downtown District taxes and that he took pride in his properties being up to code.

Jackie Reis, owner and manager of several units, spoke in support of the increased inspection schedule. She said that inadequate properties adversely affected neighboring properties. She suggested that an anticipated inspection may spur the landlord to look carefully at the property before the inspection.

Starr closed the public hearing

Elwell announced that a second reading and public hearing on the proposed ordinance amendments would be held at the Selectboard meeting scheduled on July 9.

**NO ACTION TAKEN.**

Recommendation for Appointment of Additional Deputy Health Officers. Elwell said that the Board was asked to recommend that the State appoint five additional Deputy Health Officers, who are current firefighters familiar with the responsibilities of Health Officer, to perform rental housing inspections and to follow up on complaints. Fric Spruyt inquired about some drug activity concerns. There was a brief discussion by the Board.

**MOTION BY ELIZABETH McLOUGHLIN TO RECOMMEND TO THE STATE DEPARTMENT OF HEALTH THE APPOINTMENT OF CHARLES KEIR III, RUSTY SAGE, CHRIS FELLOWS, MATT CASABONA, AND ALEX MORIN AS DEPUTY HEALTH OFFICERS. MOTION CARRIED 3-0.**

Groundworks Housing Resource Center Project – Supplemental Town Appropriation of $100,000 from Program Income. Elwell said that this matter would not be considered at this meeting because two Board members were missing and Chair Starr, who was an employee of Groundworks, would have a conflict of interest and intended to recuse herself from the vote. He said that the matter would be added to the July 9 agenda. Josh Davis, Director of Groundworks Collaborative, said that the project was moving forward and that the additional funds were critical to the project. He asked to Board to consider matter as soon as possible. There was no discussion by the Board.

**NO ACTION TAKEN.**

Modification of Tax Stabilization Agreement – Brooks House. Elwell said that the Board was asked to approve an Amended Tax Stabilization Agreement between the Town and Vermilion, Inc. He reviewed the history of the Brooks House valuation process and the reasons for the proposed modification of the Tax Stabilization Agreement, as set forth in his memo dated June 12, 2019. Fric Spruyt provided comments. There was a brief discussion by the Board.

**MOTION BY TIM WESSEL TO APPROVE AN AMENDED TAX STABILIZATION AGREEMENT BETWEEN THE TOWN OF BRATTLEBORO AND VERMILION, INC., AS PRESENTED. MOTION CARRIED 3-0.**

Charter Review Commission – Consideration of Request to Appoint. Elwell said that the Board was asked to consider a request submitted by Spoon Agave to appoint a Charter Review Commission. Agave spoke about the importance of having a strong democratic process and an up-to-date Charter, as set forth in his written request dated May 13, 2019. He spoke about some matters that would change in the future and could be incorporated in a revised Charter. The Board said it would discuss the matter further after a short recess.

Chair Starr called for a short recess at 8:15pm.
Chair Starr reconvened the meeting at 8:20pm.

Starr asked Town Manager Elwell to speak to Agave’s request to establish a Charter Review Commission. Elwell suggested that if/when the Board voted to establish a Charter Review Commission that a clear and precise timeline be established, as set forth in his memo dated June 11, 2019. McLoughlin questioned whether this was the right time to establish such a Commission particularly with some matters that were pending and not yet decided. Wessel also spoke of some evolving matters that were not yet ready to be established within the Charter. He suggested that the matter be rescheduled when the full Board was present and the other Board members agreed to do so.

NO ACTION TAKEN.

Grant Application – Western Avenue Bike/Ped Scoping Study. Elwell said that the Board was asked to approve the Planning Department’s application for a $40,000 Bike-Ped Grant from the Vermont Agency of Transportation’s 2019 Bicycle and Pedestrian Program to help pay for a scoping study for a bicycle lane along Route 9 from the intersection of Main and High Streets to the Exit 2 interchange. He said that the Traffic Safety Committee discussed the matter on multiple occasions and recommended that it be forwarded to the Selectboard for consideration. He said that staff met with representatives from VTrans in order to develop a plan to move cautiously and methodically in obtaining proper engineering data, and VTrans encouraged the Town to apply for this particular project grant. There was some discussion by the Board.

MOTION BY ELIZABETH MCLoughlin TO APPROVE THE PLANNING DEPARTMENT’S APPLICATION FOR A $40,000 BIKE-PED GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION’S 2019 BICYCLE AND PEDESTRIAN PROGRAM. MOTION CARRIED 3-0.

Municipal Roads Grant-in-Aid – Accept and Appropriate. Public Works Director Barrett said that the Board was asked to accept and appropriate a $26,600 Municipal Roads Grants-in-Aid Grant from the Vermont Department of Environmental Conservation (DEC) to help pay for implementation of best management practices on hydrologically connected roads in compliance with the DEC Municipal Roads General Permit, as set forth in his June 3, 2019 memo. There was a brief discussion.

MOTION BY TIM WESSEL TO ACCEPT AND APPROPRIATE A $26,600 MUNICIPAL ROADS GRANTS-IN-AID GRANT FROM THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION. MOTION CARRIED 3-0.

Class 2 Road Paving Grant – Accept and Appropriate. Public Works Director Barrett said that the Board was asked to accept and appropriate a Class 2 Paving Grant in the amount of $41,600 from the Vermont Agency of Transportation to pave approximately 3/10-of-a-mile of Old Guilford Road, as set forth in his June 3, 2019 memo. There was a brief discussion.

MOTION BY TIM WESSEL TO ACCEPT AND APPROPRIATE A CLASS 2 PAVING GRANT IN THE AMOUNT OF $41,600 FROM THE VERMONT AGENCY OF TRANSPORTATION TO PAVE APPROXIMATELY 3/10-OF-A-MILE OF OLD GUILFORD ROAD. MOTION CARRIED 3-0.

Capital Paving Program – Bid Award. Public Works Director Barrett said that the Board was asked to award the 2019 Capital Paving contract to Vermont Roadworks LLC, of Brattleboro in the amount of $279,315.20. He said that four bids were received and Vermont Roadworks LLC submitted the low bid, as set forth in the memo dated June 11, 2019 from Highway/Utilities Supervisor Dan Tyler. There was no discussion by the Board.
MOTION BY ELIZABETH McLOUGHLIN TO AWARD THE 2019 CAPITAL PAVING CONTRACT TO VERMONT ROADWORKS LLC, OF BRATTLEBORO, VERMONT, IN THE AMOUNT OF $279,315.20. MOTION CARRIED 3-0.

Loader Repair – Public Works. Public Works Director Barrett said that the Board was asked to authorize Town Manager Elwell to enter into a contract with CRW Woods Corporation, of Williston, Vermont, in the amount of $33,114.35 to repair the Town’s 2006 Volvo L70E loader, a critical piece of equipment used by the Highway Division for construction and snow removal operations. He said that replacement of the loader was considered but the repair option was more cost effective, as set forth in his memo dated June 3, 2019. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO AUTHORIZE TOWN MANAGER ELWELL TO ENTER INTO A CONTRACT IN THE AMOUNT OF $33,114.35 WITH CRW WOODS CORPORATION OF WILLISTON, VERMONT, TO REPAIR THE 2006 VOLVO L70E LOADER. MOTION CARRIED 3-0.

Replacement Pick-up Truck for Public Works (Highway) – State Contract. Public Works Director Barrett said that the Board was asked to utilize the State of Vermont bid price of $41,326.31 for purchase of a one-ton truck with plow from Central Chrysler Jeep Dodge, of Raynham, Massachusetts, as set forth in his memo dated June 7, 2019. He said that since the time of the memo, he received notification that the existing vehicle had a trade-in value of $15,000 and that would be applied to reduce the overall purchase amount. He said that the replacement vehicle was approved by Representative Town Meeting in the FY20 budget. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO ACCEPT THE STATE OF VERMONT BID PRICE OF $41,326.31 FOR PURCHASE OF A ONE-TON TRUCK WITH PLOW FROM CENTRAL CHRYSLER JEEP DODGE OF RAYNHAM, MASSACHUSETTS. MOTION CARRIED 3-0.

Replacement Pick-up Truck for Recreation & Parks – State Contract. Elwell said that the Board was asked to utilize the State of Vermont bid price of $41,962 for purchase of a 2019 Ford F350 Super Cab with 6.2L gas engine, with a Fisher plow, 1.5 yard Fisher Steel Cast Sander and 96 month/6,000 mile extended warranty from Formula Ford, of Montpelier, Vermont, as set forth in the memo from Recreation & Parks Director Carol Lolatte dated June 6, 2019. He said that the replacement vehicle was approved by Representative Town Meeting in the FY20 budget. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO ACCEPT THE STATE OF VERMONT BID PRICE OF $41,326.31 FOR PURCHASE OF A 2019 FORD F350 SUPER CAB WITH 6.2L GAS ENGINE, WITH A FISHER PLOW, 1.5 YARD FISHER STEEL CAST SANDER AND 96 MONTH/6,000 MILE EXTENDED WARRANTY FROM FORMULA FORD OF MONTPELIER, VERMONT. MOTION CARRIED 3-0.

Town Committees and Boards – Appointments
(i) Town Committee and Boards
(ii) In-House Staff Positions
(iii) Re-Appoint Forest Fire Warden

Elwell said that the Board was asked to appoint members to various Town committees and boards, filling positions that either were already vacant or would become vacant on July 1, 2019, as set forth on the list contained in the Board’s back-up materials. He noted that State Statutes allow for towns to appoint two Weighers of Coal, while the Brattleboro Town Charter allowed for one Weigher of Coal. He noted that the Board appointed David Levenbach on June 4 as Weigher of Coal for the term beginning July 1, and that the outgoing Weigher of Coal, Ryan Stratton, had since applied to be re-appointed for another year. He also noted that during the past year, the Board followed the State Statutes rather than the Town Charter on this matter.
WESSEL NOMINATED THE FOLLOWING PEOPLE TO THE FOLLOWING COMMITTEES:

ARTS COMMITTEE – AMY R.T. BALIN AND JOSEPH RIVERA
DESIGN REVIEW COMMITTEE – BARBARA GEORGE
FENCE VIEWER – LEE MADDEN
HONOR ROLL – RICHARD CAMPBELL
TREE ADVISORY COMMITTEE – GEORGIA MORGAN
WEIGHER OF COAL – RYAN STRATTON.

MOTION BY ELIZABETH McLOUGHLIN TO ACCEPT THE NOMINATIONS MADE BY TIM WESSEL. MOTION CARRIED 3-0.

Elwell said that the Board was also asked to re-appoint the Town Manager as Collector of Taxes for a one-year term, Public Works Director Steve Barrett as Road Commissioner for a one-year term, and Fire Chief Michael Bucossi as the Town Forest Fire Warden for a five-year term.

MOTION BY ELIZABETH McLOUGHLIN TO RE-APPOINT TOWN MANAGER PETER ELWELL TO BE COLLECTOR OF TAXES FOR A ONE-YEAR TERM. MOTION CARRIED 3-0.

MOTION BY TIM WESSEL TO RE-APPOINT PUBLIC WORKS DIRECTOR STEVE BARRETT AS ROAD COMMISSIONER FOR A ONE-YEAR TERM. MOTION CARRIED 3-0.

MOTION BY ELIZABETH McLOUGHLIN TO RE-APPOINT FIRE CHIEF MICHAEL BUCOSSI AS BRATTLEBORO’S TOWN FOREST FIRE WARDEN FOR A FIVE-YEAR TERM. MOTION CARRIED 3-0.

There was no further business.

MOTION BY TIM WESSEL TO ADJOURN AT 9:00PM. MOTION CARRIED 3-0.

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Elizabeth McLoughlin, Clerk