

**BRATTLEBORO SELECTBOARD
TUESDAY, JUNE 19, 2018
EXECUTIVE SESSION – 6:00PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Recreation & Parks Director Carol Lolatte, Public Works Director Steve Barrett, Planning Director Rod Francis, and Executive Secretary Jan Anderson.

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

Others present: Jeff Clark, Melissa Clark, Dick DeGray, Donna Simons, Zach Corbin, Stephanie Bonin, Ezlerh Oreste, Franz Reichsman, Elizabeth McLoughlin, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

Acting Chair Brandie Starr called the meeting to order at 6:08pm.

MOTION BY BRANDIE STARR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS AND THE APPOINTMENT OR EMPLOYMENT OR EVALUATION 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 WAS INVITED TO ATTEND. MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

Acting Chair Starr reconvened the meeting at 6:18pm.

APPROVE MINUTES

MOTION BY DAVE SCHOALES TO APPROVE MINUTES FROM THE JUNE 5, 2018 MEETING.

Shanta Lee Gander asked that the minutes be amended in two places on pages 2 and 3. She said that she would forward an e-mail to the Town Manager's Office with the requested changes. The Board agreed that it would add the revised minutes to the next meeting for approval.

DAVE SCHOALES WITHDREW THE MOTION.

CHAIR'S REMARKS

None.

MANAGER'S COMMENTS

Town Manager Elwell announced that the Fire Department received a significant statewide award from the Vermont Department of Health and was being awarded with the First Responder Service of the Year. He said that officials from the Department of Health would soon present the award to the Fire Department at a Selectboard meeting. He said that the award recognized Vermont based and licensed EMS organizations for their excellence in operations and service to their communities. Elwell also announced that Planning Director Rod Francis had accepted a position as Director of Planning and Zoning for Norwich, Vermont. He spoke of many of Francis' accomplishments since his hiring in 2008, including participation in many development and redevelopment projects, overseeing the preparation of the new Town Plan (which was recognized by the Vermont Planners Association as the Plan of the Year in 2013), and the rewrite of the Town's Zoning Ordinances and modernization of Land Use Regulations. Elwell wished Rod Francis the best of luck in his new career path and said that he was grateful for opportunity to have worked together.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Gander and Schoales both spoke about a recent meeting of the community-based Compassion Committee. They spoke about the committee's plan to establish goals around making Brattleboro a compassionate town, about some ideas and developing plans that the committee was working on, and about upcoming informational and educational forums.

PUBLIC PARTICIPATION

Dick DeGray asked the Town Manager for an update on the status of the Municipal Building and potential rental agreement with the State, and the status of installing additional crosswalk lighting. Elwell responded to DeGray's inquiries. DeGray then spoke in detail about the panhandling situation downtown and how it had become more aggressive. He noted the impact that activity had on downtown businesses and suggested that the Board add the matter to a future agenda for further discussion. He also thanked Dan Yates (from Brattleboro Savings & Loan Association) and Jack Davidson (from Vermont Trust) for their generous donations for flowers at the Creamery Bridge, and for the assistance from the Fire Department, Public Works Department, and Recreation & Parks in maintaining flowers around town. Ezlerh Oreste, Donna Simons, Zach Corbin, and Stephanie Bonin provided their opinions and comments on the downtown panhandling situation. Board members each provided their opinions and comments.

LIQUOR COMMISSIONERS

MOTION BY DAVE SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

Second Class Liquor License – The Black Pearl, LLC, d/b/a Peter Havens Restaurant. Elwell said that the Board was asked to approve a second class liquor license for The Black Pearl, LLC, d/b/a Peter Havens Restaurant. Zach Corbin, owner of the restaurant, said that he intended to open a small gourmet shop and sell food and wine for take-out in the space immediately adjacent to the restaurant that previously was operated as Jasmine's Bakery. There was a brief discussion by the Board.

MOTION BY SHANTA LEE GANDER TO APPROVE A SECOND CLASS LIQUOR LICENSE FOR THE BLACK PEARL, LLC, D/B/A PETER HAVENS RESTAURANT, AT 32 ELLIOT STREET. MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

MOTION BY DAVE SCHOALES TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

WATER AND SEWER COMMISSIONERS

MOTION BY DAVE SCHOALES TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

FY19 Utility Fund Budget – Continued Review and Possible Approval. Elwell said that the Board was asked to approve the proposed FY19 Utility Fund Budget. He said it was presented to the Board on May 1 and at that time the Board asked for a summary for the Utility Fund that was in a form similar to that of the General Fund Budget. He discussed the summary that was provided to the Board and discussed the recent drawdown from the Utility Fund as noted at the bottom of the summary. There was a brief discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE THE PROPOSED FY19 UTILITY FUND BUDGET, AS PRESENTED. MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

Wastewater Treatment Plant – Repair of Recycle Water Control System. Elwell said that the Board was asked to approve a sole source proposal to repair the wastewater recycling system at the wastewater treatment plant. He said that the system that allowed the reuse of treated wastewater for multiple purposes at the wastewater treatment plant failed and was in need of repair, as set forth more explicitly in a memorandum dated June 13, 2018, from Public Works Director Barrett. Public Works Director Barrett described the purpose of the system and spoke of its importance to the overall wastewater plant. He said

that the proposal from Gustavo Preston Company, Inc., was an estimate in the amount of \$15,825 and he noted that additional parts and labor may be required which would affect the actual price. There was no discussion by the Board.

MOTION BY SHANTA LEE GANDER TO APPROVE A PROPOSAL FROM GUSTAVO PRESTON COMPANY, INC., OF CHELMSFORD, MASSACHUSETTS, FOR REPAIR OF THE RECYCLE WATER CONTROL SYSTEM AT THE WASTEWATER TREATMENT PLANT IN THE ESTIMATED AMOUNT OF \$15,825 (WITH THE UNDERSTANDING THAT THE FINAL COST OF THIS WORK WILL BE DETERMINED BY THE ACTUAL PARTS AND LABOR REQUIRED FOR THE REPAIR). MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

Acting Chair Starr announced that she just received a message from Board Member Tim Wessel who was stalled in traffic due to a crash on I-91, but said that he was in route to the meeting.

Economic Development Administration Grant – Approval to Apply for 50% Funding of Potential Utility System Improvements Related to the Culture Made Vermont Project. Town Manager Elwell said that the Board was asked to authorize Town staff to apply for a grant from the U.S. Economic Development Administration (EDA) in the amount of \$420,000 to help pay for improvements to the Town's water and sewer systems that would be needed if the proposed Culture Made Vermont Project was able to move forward. He said that the EDA could fund up to 50% of the cost of the improvements, which were estimated to cost \$840,000, as set forth in a memorandum dated June 12, 2018, from Assistant Town Manager Moreland. He noted that the Board was not authorizing implementation of any improvements, but rather was authorizing staff to apply for the grant so funding would be available if the project moved forward. Starr confirmed that if the project moved forward, there would be ample opportunity for public discussions at that time. There was no further discussion by the Board.

MOTION BY BRANDIE STARR TO AUTHORIZE TOWN STAFF TO APPLY FOR A GRANT FROM THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION IN THE AMOUNT OF \$420,000 TO HELP PAY FOR IMPROVEMENTS TO THE TOWN'S WATER AND SEWER SYSTEMS RELATED TO THE PROPOSED CULTURE MADE VERMONT PROJECT. MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

MOTION BY DAVE SCHOALES TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

UNFINISHED BUSINESS

Parking Matters – Schedule for Considering Capital Improvements + Parking Study Items. Elwell said that the Board had discussed this matter previously and asked staff to provide additional information. He suggested that information regarding Smart Meters, Transportation Center repairs, and downtown bicycle parking be provided at the July 17 meeting, and that Transportation Center painting and lighting, shared parking agreements, pricing adjustments, off-hours signage, and improved parking information be provided at the August 7 meeting, all as set for the in the memorandum dated June 13, 2018, from Assistant Town Manager Moreland. Elwell also provided information about working with Downtown Brattleboro Alliance (DBA) and other agencies on installation of a wooden "parklet" on Main Street. He said that the parklet would utilize one on-street parking space to allow additional bicycle parking and beautification during the warm weather months and would be removed for the winter months for safety and maintenance reasons. He said that Montpelier was selling a parklet for \$2,000 and that DBA and other agencies had offered to evenly split the cost with the Town. Dick DeGray suggested considering installation of the parklet on a side street rather than utilizing a space on Main Street and he spoke of concerns about the manner in which bikes currently were attached to parking meter poles and trees. Liz McLoughlin spoke in favor of the parklet. Stephanie Bonin spoke about funding assistance from other agencies for the parklet. There was a brief discussion by the Board who generally agreed with staff progressing forward with the parklet.

NO MOTION WAS OFFERED.

Resolution for Aerial Ladder Truck Financing – *Authorize Town Manager to Execute Loan Documents.* Elwell said that Board had previously authorized him to sign the necessary documents for funding for the aerial ladder truck but attorneys for the lender and Town suggested that the Board adopt a Resolution about borrowing the funds and confirm the Town Manager's authority to execute the documents. There was no discussion by the Board.

MOTION BY SHANTA LEE GANDER TO APPROVE A RESOLUTION AUTHORIZING CAPITAL IMPROVEMENT BORROWING, AS PROPOSED. MOTION CARRIED 3-0 (WESSEL WAS NOT PRESENT AT THE TIME OF THE VOTE).

NEW BUSINESS

Financial Report – *Monthly Report for May – Finance Department.* Finance Director John O'Connor presented and discussed the financial report for the first 11 months of FY18, as set forth in his memorandum dated June 8. The Board asked a few questions and a brief discussion ensued.

NO ACTION TAKEN.

Small Business Assistant Program (SBAP) – *Subordinate Loan, True North Granola.* Elwell said that the Board was asked to approve subordination of the Town's position as a creditor to True North Granola, which would drop the Town from first position to second position and allow Brattleboro Savings and Loan to assume first position. Finance Director O'Connor said that taking second place position to the bank in this case came with a very low risk. There was no discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE SUBORDINATION OF THE TOWN'S SMALL BUSINESS ASSISTANCE PROGRAM LOAN TO BRATTLEBORO SAVINGS AND LOAN'S LINE OF CREDIT AND THE FILING OF AN AMENDED U.C.C. STATEMENT ACCEPTING THAT THE TOWN WILL HAVE A SECOND POSITION LIEN ON ALL PERSONAL PROPERTY AND OTHER ASSETS ASSOCIATED WITH TRUE NORTH GRANOLA. MOTION CARRIED 4-0.

Skatepark Design – *Award Bid.* Recreation & Parks Director Carol Lolatte said that the Board was asked to award the contract for design services for the skatepark at Living Memorial Park. She said that four bids were received and staff was recommending that the contract be awarded to Stantec in the amount of \$42,350, even though it was not the lowest bidder. She said that a ranking committee had been formed to review and rank the bids taking into consideration multiple factors, including experience and knowledge of the area. She said that Stantec had offices in Boston, Massachusetts, and Burlington, Vermont, and the committee believed that it would be more understanding of the climate and extreme weather variations. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO AWARD A CONTRACT FOR SKATEPARK DESIGN TO STANTEC OF BOSTON, MASSACHUSETTS, AND BURLINGTON, VERMONT, IN THE AMOUNT OF \$42,350. MOTION CARRIED 4-0.

Vermont Community Foundation Spark Grant – *Accept and Appropriate, Skatepark.* Elwell said that the Board was asked to accept and appropriate a \$3,000 Spark! Connecting Community Grant from the Vermont Community Foundation to help pay for design and construction of a skatepark at Living Memorial Park. There was no discussion by the Board.

MOTION BY DAVE SCHOALES TO ACCEPT AND APPROPRIATE A \$3,000 SPARK! CONNECTING COMMUNITY GRANT FROM THE VERMONT COMMUNITY FOUNDATION TO HELP PAY FOR DESIGN AND CONSTRUCTION OF A SKATEPARK AT LIVING MEMORIAL PARK. MOTION CARRIED 4-0.

Department of Corrections Grant – *Accept and Appropriate, Brattleboro Community Justice Center.* Elwell said that the Board was asked to accept and appropriate a grant from the Vermont Department of Corrections to help pay the operating costs of the Brattleboro Community Justice Center (BCJC) for FY19

and FY20. He said that the grant was in the amount of \$300,000, with \$150,000 allocated to each of the two upcoming fiscal years. There was no discussion by the Board.

MOTION BY SHANTA LEE GANDER TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$300,000 FROM THE VERMONT DEPARTMENT OF CORRECTIONS FOR THE BRATTLEBORO COMMUNITY JUSTICE CENTER. MOTION CARRIED 4-0.

Rescue, Inc. – *Approve Annual Contract.* Elwell said that the Board was asked to approve the annual contract between the Town and Rescue Inc. He briefly discussed the terms of the proposed contract, as set forth in his memorandum dated June 12, at a cost of \$240,792.26. There was no discussion by the Board.

MOTION BY TIM WESSEL TO APPROVE THE ANNUAL CONTRACT BETWEEN THE TOWN AND RESCUE INC., AS PRESENTED. MOTION CARRIED 4-0.

Committee Matters

(i) *Appointments*

(ii) *Announce Vacancy on Brattleboro Housing Partnerships Board and Remaining Vacancies on Committees*

(i) Elwell said that the Board was asked to appoint members to the ADA Committee, Design Review Committee, and Energy Committee.

Starr said that the nominations were as follows:

ADA Committee – Gail Kennedy-Haines and Janis Hall (for 3-year terms)

Design Review Committee – Robin Renzoni-Sweetapple (for unexpired term ending 6/2020)

Energy Committee – Milton Eaton (for an unexpired term ending 6/2019), George Harvey (for a 1-year term ending 6/2019), and Thomas Finnell (for a 2-year term ending 6/2020).

MOTION BY DAVE SCHOALES TO APPROVE THE NEW MEMBERS OF THE COMMITTEES, AS PRESENTED. MOTION CARRIED 5-0.

(ii) Elwell read the list of vacancies on the Town's boards and committees as provided in the Selectboard notebooks. Starr asked members of the public to consider serving on a board or committee.

NO ACTION TAKEN.

There was no further business.

MOTION BY TIM WESSEL TO ADJOURN AT 7:55PM. MOTION CARRIED 4-0.

Tim Wessel, Clerk