Selectboard members present: Kate O’Connor, Brandie Starr, Tim Wessel, Dave Schoales, and John Allen.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Fire Chief Mike Bucossi, Assistant Fire Chief Len Howard, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Planning Director Rod Francis, Recreation & Parks Director Carol Lolatte, Library Director Starr LaTronica, Research Librarian Jeanne Walsh, and Executive Secretary Jan Anderson.

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


Chair O’Connor called the meeting to order at 5:15pm. She confirmed that the meeting was properly warned. She said that the Board would conduct interviews for the Weigher of Coal position and she explained the appointment process. Ryan Stratton was the only applicant in attendance. Town Manager Elwell announced that Tim O’Connor, another candidate for the position, was unable to attend the interview but he was interested in being appointed. Stratton spoke to the Board about his interest in the position. He also noted that according to State statute, the Board could appoint one or more Weighers of Coal. When the interview was complete, O’Connor announced that the Board would make appointments later in the meeting.

MOTION BY KATE O’CONNOR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, NEGOTIATING OR SECURING OF REAL ESTATE LEASE OPTIONS, AND THE APPOINTMENT OR EMPLOYMENT 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 4-0 (ALLEN WAS NOT PRESENT AT THE TIME OF THE VOTE).

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

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM JUNE 6, 2017. MOTION CARRIED 5-0.

CHAIR’S REMARKS
Chair O’Connor reminded the public of the 4th of July parade at 10:00am on July 4 and about other activities that were scheduled throughout the afternoon and evening at Living Memorial Park.

MANAGER’S COMMENTS
Town Manager Elwell announced that the swimming pool at Living Memorial Park opened today. He also discussed the road and other damages that occurred due to the torrential rains that took place yesterday. He noted that the storm was not severe enough to be declared a disaster by the Federal government, but
that the State had a Town Highway Emergency Fund that could be activated if the damages were sufficiently high and widespread. He said it was unclear at this time whether the Town sustained enough damage to apply for such relief or if the State would activate the program. He noted that other Public Works projects, such as line striping, would be delayed while the emergency repairs were being made. He also announced that the Town’s request to permanently lower the 40 mph speed limit on Route 30 south of West River Park was granted by the State and that vehicular speed would be enforced by the Police Department. Finally, he noted that as of July 1, recyclable materials would no longer need to be sorted and that the roll-off recycling bins on Fairground Road would be removed. He confirmed that the recycling bins at the Windham Solid Waste Management District would still be available.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS
Allen noted that he recently attended the Windham Solid Waste Management District Board meeting. He said that the selling of the MRF equipment was still undecided.

Wessel said that he recently attended a Traffic Safety Committee meeting, where a video was presented showing the difficulties that people using wheelchairs encountered while navigating through parts of Town. He said that homeowners could assist by cutting back bushes and not leaving recycling bins in the sidewalks. He said that the Town requested a safety audit to VTrans, through the Windham Regional Commission, to conduct a safety audit on Putney Road near the NECCA (New England Center for Circus Arts) location and the audit may provide an opportunity to request temporary relief by the State in that area.

PUBLIC PARTICIPATION
Stanley Lynde, owner of Lynde Motorsports on Flat Street, discussed the ongoing flooding problem on the street in front of his shop when it rained like yesterday. He asked that the Town start the process to improve the drainage in that area. He thanked the Town Manager and Public Works Director for their rapid response yesterday. Allen noted that the location was the lowest spot in town and he witnessed the cars speeding through the ponding water which caused a wave of water to flood into Lynde’s shop. Elwell acknowledged that improvements were necessary and would take fair amounts of time and money, but in the meantime the Town would provide Lynde with barricades that he could install to block traffic when the road was flooded.

Daniel Quipp, from the climate action group 350Brattleboro, inquired about the status of a previously proposed bike path on Route 30 and pedestrian bridge crossing the West River near the I-91 overpass. Elwell responded that the lowered speed limit on Route 30 that he discussed earlier was the result of the Corridor Study that was performed during a Safer Streets forum, and that a body of recommendations were offered in the study but the State was not expected to act on them until it performed a resurfacing project in the next few year. Quipp also noted that a bicycle trip around Brattleboro was being organized to promote bicycling awareness.

UNFINISHED BUSINESS
Diversity in the Community and on the Town Staff - Town Follow-up Actions and Planning for Community Engagement. O’Connor noted that the Selectboard discussed the matter at its June 6 meeting, and at that time the Board adopted some steps to promote diversity awareness. Elwell announced that a diversity page had been added to the home page on the Town’s website. He discussed some actions that he had undertaken since the last Selectboard meeting and he spoke at length about engaging with the community in the community and incorporating the significant community efforts currently being undertaken into any long-term plan. He stressed that diversity must be a collaborative effort as he set forth in his June 16, 2017 memo. He said that significant work was being done by various people and groups and he would continue to meet a broad cross-section of stakeholders to learn about their work and ideas before offering further recommendations to the Board to define a community process with which to proceed. He invited anyone interested in meeting with him and becoming involved in a collaborative process to contact him. Becca (no last name provided), Pete Nickerson, Kim (no last name provided), Dale Joy, and Ezlerh (no last name provided) provided their comments and opinions. There
was some discussion by the Board. No action was taken, although the Board members generally agreed that diversity should be a community discussion and collaborative effort. The Town Manager was asked to provide periodic reports.

NO ACTION TAKEN.

Police-Fire Facilities Project – Update. Town Manager Elwell said that construction work on the Central Fire Station and Police Station was on schedule, as set forth in his memorandum dated June 15, 2017. He said that it was expected that construction would be complete by the end of the year. There was no discussion by the Board.

NO ACTION TAKEN.

NEW BUSINESS

Financial Report –

(i) Monthly Report for May – Finance Department  
(ii) Potential Transfer from General Fund to Capital Fund for Energy Efficiency and Conservation Projects - Selectboard Member Schoales

Finance Director John O’Connor presented and discussed the May, 2017 financial report. There was a brief discussion by the Board. Dale Joy, Michael Bosworth, and Tad Montgomery asked questions and provided their comments.

Kate O’Connor said that Schoales had requested that the Board consider a transfer from the General Fund surplus to the Capital Fund for energy efficiency and conservation projects. Schoales thanked the Finance Committee for endorsing funding energy improvements. He spoke about his rationale for funding energy improvements which would result in savings. Elwell and John O’Connor spoke about the anticipated surplus and pending expenditures. Franz Reichsman, from the Finance Committee, said that the committee would discuss the energy audits at its next meeting. Michael Bosworth, from the Energy Committee, encouraged transfer of a nominal amount of money, such as $40,000, for future energy projects. Tad Montgomery, from the Energy Committee, spoke about funding energy improvements through some sort of financing mechanism, the wisdom of bundling energy projects, and the expected request from the Energy Committee to sign onto the US. Climate Accord. There was much discussion by the Board, including having such a discussion during the FY19 budget discussions, other financial demands, infrastructure concerns, and keeping the tax rate low.

NO ACTION TAKEN.

FY18 Heating Oil – Award Bid. John O’Connor said that the Board was asked to award a contract for heating oil for FY18, as set forth in his memo dated May 25, 2017. He said that he recommended awarding a contract to Discount Oil, from Keene, NH, for 77,700 gallons of No. 2 heating fuel oil (for the Town’s share) at a prepaid price of $1.789 per gallon for FY18. He also recognized Frank Rucker, the Business Administrator from the Windham Southeast Supervisory Union, for his work in obtaining the bids from various vendors. Daniel Quipp spoke about his environmental concerns, the amount of carbon dioxide that would result from the use of the 77,700 gallons of fuel oil, and consideration of moving away from fuel oil in the future. There was some discussion by the Board.

MOTION BY JOHN ALLEN TO AWARD A CONTRACT TO DISCOUNT OIL OF KEENE, NEW HAMPSHIRE, FOR 77,700 GALLONS OF NO. 2 HEATING FUEL OIL AT A PREPAID PRICE OF $1.789 PER GALLON. MOTION CARRIED 5-0.

Parking Lot Improvements – Award Bid for Harmony Lot, Harris Lot, and Gibson-Aiken Center. Assistant Town Manager Moreland, said that the Board was asked to award a contract to Zaluzny Excavating
Corporation, of Vernon, Vermont, in the total amount of $293,850, which included the base bid and Alternate 2, for pedestrian safety improvements in the Harmony Parking Lot, as set forth in his memo dated June 13, 2017. He spoke about the original scope of the project that also contained improvements to the Preston Parking Lot with an anticipated budget of $302,000, but said that the Preston lot had been removed from the project due to higher than anticipated pricing. Dale Joy asked about the bidding process. There was some discussion by the Board.

**MOTION BY JOHN ALLEN TO AWARD A CONTRACT TO ZALUZNY EXCAVATING CORPORATION OF VERNON, VERMONT, IN THE AMOUNT OF $293,850, WHICH INCLUDES THE BASE BID FOR PAVING AT THE HARMONY PARKING LOT, THE HARRIS PLACE PARKING LOT, AND THE GIBSON-AIKEN CENTER PARKING LOT, AND ALTERNATE 2 FOR PEDESTRIAN SAFETY IMPROVEMENTS IN THE HARMONY PARKING LOT. MOTION CARRIED 5-0.**

**Dog Park Fence – Award Bid.** Recreation & Parks Director Lolatte said that the Board was asked to award a bid for fencing for the Dog Park to Cheshire Fence, of Marlborough, New Hampshire, in the amount of $10,500, as set forth in her memo dated June 7, 2017. She noted that the full cost of the project was being funded by donations and grants. There was a very brief discussion by the Board.

**MOTION BY DAVE SCHOALES TO AWARD A BID FOR FENCING FOR THE DOG PARK TO CHESHIRE FENCE OF MARLBOROUGH, NEW HAMPSHIRE, IN THE AMOUNT OF $10,500. MOTION CARRIED 5-0.**

**Proposed Extrication Tool Purchase – Fire Department.** Fire Chief Bucossi and Assistant Chief Howard were present. Bucossi said that the Board was asked to approve the purchase of a Hurst battery-operated extrication tool in the net amount of $31,580 (included a $2,000 trade-in credit), as set forth in their memo dated June 9, 2017. He said that the equipment currently being used was an outdated 24-year-old hydraulic tool. He spoke about the proposed funding for the tool from a variety of cost savings (also set forth in his memo) and said that, if approved, the proposed funding would be removed from the FY19 capital budget. Franz Reichsman, from the Finance Committee, inquired about the need for a new tool. Bucossi spoke about the wear on the current tool. Howard responded that the new tool was more superior for cutting the steel currently used in the manufacture of newer vehicles. There was some discussion by the Board.

**MOTION BY TIM WESSEL TO APPROVE THE PURCHASE OF A HURST BATTERY-OPERATED EXTRICATION TOOL FOR THE FIRE DEPARTMENT IN THE NET AMOUNT OF $31,580. MOTION CARRIED 5-0.**

**Promise Community Grant – Accept and Appropriate.** Planning Director Rod Francis said that the Board was asked to accept and appropriate an Agency of Human Services Promise Communities Grant in the amount of $200,000, and approve a sub-grant agreement with KidsPLAYce, Inc. He said that the Town would be the fiscal agent for the grant and KidsPLAYce would manage the day-to-day responsibilities of the project, which was designed to strengthen the resilience of the Green Street community and fund improvements to Elliot Street Park, all as set forth in his memo dated June 13, 2017. Elwell noted that an extension had been requested from the Federal government for the use of the funds. Emilie Kornheiser, from the State Promise Community, said that she had been advised by the Federal technical team that the extension had an extremely high probability of being granted. Dale Joy inquired about management of the funds. An unidentified speaker from KidsPLAYce thanked the Board for its support. There was some discussion by the Board.

**MOTION BY BRANDIE STARR TO ACCEPT AND APPROPRIATE AN AGENCY OF HUMAN SERVICES PROMISE COMMUNITIES GRANT IN THE AMOUNT OF $200,000, AND TO APPROVE A SUB-GRANT AGREEMENT BETWEEN THE TOWN AND KIDSPLAYCE, INCORPORATED. MOTION CARRIED 5-0.**
Plastic Bags – Staff Report and Selectboard Discussion re: Options for Town Ordinance. O’Connor said that the Board previously asked staff to research and provide the Board with information around the ballot request to ban the use of plastic bags. Moreland said that he had done extensive research on other U.S. towns and communities who had implemented a ban on plastic bags, and he asked the Board to provide direction to Town staff and the Town Attorney regarding the type of ordinance that the Board wished to adopt. He discussed his research in detail and summarized the three most popular approaches – fee approach, or ban approach, or fee/ban hybrid approach, as set forth in his memo dated June 12, 2017. Tim Maciel, author of the petition, spoke in support of the outright ban. He said he spoke with grocery store managers, Main Street retailers, and local businesses before writing the petition. Franz Reichsman and Dale Joy spoke in favor of the ban. There was substantial discussion by the Board. It was generally agreed to pursue the outright ban approach with “other essential considerations” outlined in Moreland’s memo.

NO MOTION WAS OFFERED.

Workers’ Compensation – Updated Procedures and Memorandum of Understanding with Employee Unions. Elwell noted that the Town’s worker’s compensation (WC) expenses were escalating faster than other areas of operation and, in response, the Town was looking to improve its WC practices and procedures. Assistant Town Manager Moreland spoke in detail about the increasing WC costs and discussed factors that influence WC costs, as set forth in his memo dated June 6, 2017. He said that staff had been working with its insurance carrier – Vermont League of Cities and Towns (VLCT) - to identify a range of best practices that could be adopted to reduce the key factors that affect the WC costs. He said one practice was to identify a proper local medical provider for the Town where injured employees would first report after an injury. He said that Clear Choice Urgent Care was identified and a representative recently met with staff and a VLCT representative to discuss initiation of such a program in Brattleboro. He said the Town was also developing an incident/injury review procedure, as well as a transitional return to work program. He said that the Town’s collective bargaining units had agreed to the proposed modifications and the Board was asked to authorize the Town Manager to execute the Memorandum of Understanding between the Town and collective bargaining units to implement the revised WC procedures. Franz Reichsman, a medical doctor, made inquiries about the program. There was some discussion by the Board.

MOTION BY DAVE SCHOALES TO AUTHORIZE TOWN MANAGER PETER ELWELL TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE BRATTLEBORO PROFESSIONAL FIREFIGHTERS ASSOCIATION, I.A.F.F. LOCAL 4439; WITH THE NEW ENGLAND POLICE BENEVOLENT ASSOCIATION, LOCAL 412; WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 98; AND WITH THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL, AND SERVICE WORKERS UNION, LOCAL 944; FOR THE IMPLEMENTATION OF REVISED WORKERS’ COMPENSATION PROCEDURES. MOTION CARRIED 5-0.

Committee Appointments – O’Connor said that the Board was asked to appoint members for the fiscal year beginning July 1, 2017, to various Town committees and boards, as set forth on the FY18 Committee Applicants and Vacancies list. She said that the only contested seat was for Weigher of Coal. She asked for nominations.

STARR NOMINATED THE FOLLOWING:

ADA COMMITTEE - JULIE TAMLER AND GARY SNYDER FOR 2-YEAR TERMS; AND CARMEN “NINA” WILSON FOR A 1-YEAR TERM
ARTS COMMITTEE - DIANA ABATH, SARAH FREEMAN, AND PATRICK KITZMILLER FOR 3-YEAR TERMS

CEMETERY COMMITTEE - JANE FLETCHER FOR A 3-YEAR TERM

CITIZEN POLICE COMMUNICATIONS COMMITTEE (CPCC) - KEN MCCAFFREY

DESIGN REVIEW COMMITTEE – TEO SENNI

DEVELOPMENT REVIEW BOARD - KATHRYN TURNAS II AND JAMES VALENTE FOR 3-YEAR TERMS

ENERGY COMMITTEE - TOM FRANKS AND KATHLEEN WHITE FOR 2-YEAR TERMS; AND THOMAS FINNELL FOR A 1-YEAR TERM

ENERGY COORDINATOR - PHOEBE GOODING

FENCE VIEWERS - LEE MADDENN AND TIM KIPP FOR 1-YEAR TERMS

HONOR ROLL - E. DAVID WRIGHT AND SHERWOOD LAKE, SR. FOR 1-YEAR TERMS

NELSON E. WITHINGTON FUND ADVISORY COMMITTEE - PETER RICHARDS AND RICHARD C. CARROLL FOR 3-YEAR TERMS

RECREATION & PARKS BOARD - RICKY DAVIDSON AND BEN UNDERHILL FOR 3-YEAR TERMS

RESCUE, INC. TRUSTEE - DEBRA MILLER CHAPMAN FOR A 1-YEAR TERM

SENIOR SOLUTIONS ADVISORY COUNCIL - BARBARA WOODS FOR A 1-YEAR TERM

TRAFFIC SAFETY COMMITTEE - CITIZEN REPRESENTATIVE LOUISE ZAK FOR A 2-YEAR TERM; AND SCHOOL REPRESENTATIVE - BETSY GENTILE FOR A 2-YEAR TERM

TREE ADVISORY COMMITTEE - ROBERT CLEMENTS FOR A 3-YEAR TERM.

ALL NOMINATIONS CARRIED 5-0.

O’Connor thanked Corky Elwell and Chuck Cummings for their past long-term service on the Nelson E. Withington Fund Advisory Committee. She noted that Chuck Cummings recently passed away and offered condolences to his family.

The Board then discussed the Weigher of Coal position. O’Connor disclosed that she was related to one of the applicants. Schoales noted that it was brought to the Board’s attention during the earlier interview that statutes provide that one or more people may be appointed to the position and he suggested nominating both candidates. Executive Secretary Anderson clarified that the statutes do not specifically mention the number that may be appointed, however, the Town Charter allowed for one or more appointees.

STARR NOMINATED TIM O’CONNOR AND RYAN STRATTON FOR 1-YEAR TERMS AS WEIGHERS OF COAL IN BRATTLEBORO. NOMINATIONS CARRIED 5-0.

O’Connor noted that her father, Tim O’Connor, could not be at today’s meeting but stated that his father worked at Barrows Coal Company and for that reason her father enjoyed being the Weigher of Coal.
O’CONNOR NOMINATED THE FOLLOWING IN-HOUSE POSITIONS:

TOWN MANAGER PETER ELWELL – COLLECTOR OF TAXES FOR A 1-YEAR TERM

CATHY BARROWS – POUNDKEEPER FOR A 1-YEAR TERM

STEVE BARRETT – ROAD COMMISSIONER FOR A 1-YEAR TERM

BRIAN BANNON – ZONING ADMINISTRATIVE OFFICER FOR A 3-YEAR TERM.

ALL NOMINATIONS CARRIED 5-0.

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 9:40PM. MOTION CARRIED 5-0.

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Tim Wessel, Clerk