

**BRATTLEBORO SELECTBOARD
TUESDAY, JULY 5, 2016
REGULAR MEETING - 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, Kate O'Connor, John Allen, and Richard DeGray.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, and Executive Secretary Jan Anderson.

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

Others present: Police-Fire Project Owner's Manager Steve Horton, Michael Bosworth, ASL interpreters Elizabeth Fox and Janet Dickinson, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 6:15pm. He confirmed that the meeting was officially warned.

APPROVE MINUTES

MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM JUNE 21, 2016 AS PRESENTED. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Chair Gartenstein spoke briefly about the spirited 4th of July activities in town over the weekend. He also mentioned a motorcycle and car crash over the weekend and asked everyone to exercise caution during summer activities.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

DeGray thanked all of the volunteers that participated in the 4th of July parade.

PUBLIC PARTICIPATION

None.

WATER AND SEWER COMMISSIONERS

MOTION BY JOHN ALLEN TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.

Black Mountain Water Tank Bid Awards

- (i) *Construction Contract*
- (ii) *Engineering Services.*

Public Works Director Barrett and Highway/Utilities Superintendent O'Connell were present and asked the Board to award the bid for the construction contract on the Black Mountain Water Tank Replacement Project to Statewide Aquastore of East Syracuse, New York, in the amount of \$926,215. Barrett discussed the existing water tank, the replacement tank, the overall project, and the bid from Statewide Aquastore. Elwell noted that the Board received a letter dated June 21, 2016, from the engineering consultant (Dufresne Group) recommending that the bid be awarded to Statewide Aquastore. There was some discussion by the Board about funding for and oversight of this and other large projects.

MOTION BY RICHARD DEGRAY TO AWARD A BID IN THE AMOUNT OF \$926,215 TO STATEWIDE AQUASTORE FOR THE CONSTRUCTION OF THE BLACK MOUNTAIN WATER TANK REPLACEMENT PROJECT. MOTION CARRIED 4-0.

(ii) *Engineering Services.* Barrett said that the Board was asked to award the bid for engineering services on the Black Mountain Water Tank Replacement Project to Dufresne Group in the amount of \$86,000. He said that Dufresne Group had been involved with the project for more than five years and recommended continuation of Dufresne's services. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO AWARD A CONTRACT IN THE AMOUNT OF \$86,000 TO DUFRESNE GROUP FOR ENGINEERING SERVICES ON THE BLACK MOUNTAIN WATER TANK REPLACEMENT PROJECT. MOTION CARRIED 4-0.

MOTION BY JOHN ALLEN TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.

UNFINISHED BUSINESS

Police-Fire Facilities Project – Update

- (i) *Project Financing*
- (ii) *Guaranteed Maximum Price (GMP) for West Brattleboro Fire Station*
- (iii) *Purchase of 62 Black Mountain Road*
- (iv) *Status of Design Work and Overall Schedule.*

Elwell provided an overall update on the progression of project, including financing through the bond bank. He discussed construction costs and designs for the West Brattleboro Fire Station and the guaranteed maximum price (GMP) contract with DEW Construction Corp. of \$1,293,800. He said that the Police-Fire Facilities Building Committee (PFFBC) reviewed and approved the GMP contract last week. Owner's Project Manager Steve Horton discussed the GMP contract which was a contract form used in the industry to monitor and control costs during construction. He said that since the delay of the project two years ago, he subsequently reviewed and re-negotiated construction costs with DEW through value engineering and he briefly discussed some of the negotiated areas of construction and materials. He also noted that many of the contractors were local or regional, and that construction on the West Brattleboro Fire Station was planned to begin the first week of August and would conclude approximately February 1, 2017. There were many questions and much discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE GUARANTEED MAXIMUM PRICE OF \$1,293,800 FOR CONSTRUCTION OF THE WEST BRATTLEBORO FIRE STATION AS SET FORTH IN THE "EXHIBIT D" DOCUMENT DATED JUNE 29, 2016, FROM DEW CONSTRUCTION CORP. MOTION CARRIED 4-0.

Elwell said that the design work for Central Fire Station was nearly complete and would be reviewed by the PFFBC on July 13, and the design and site plans for the Police Station at 62 Black Mountain Road would be reviewed by the PFFBC on August 10. In both cases, he said that the designs and committee's recommendations would then be provided to the Board for review and approval. He said that the purchase of 62 Black Mountain Road was delayed slightly in order to conduct a Phase 2 environmental review, but the design was continuing on schedule so construction should only be delayed slightly, if at all. He discussed the advantages of conducting further environmental review. He also noted that the overall project was progressing on-schedule and on-budget. DeGray asked about the future of the Municipal Center and the Board agreed to add an update of the matter to the next agenda.

NEW BUSINESS

Accept and Appropriate Grant – Dunham-Mason Fund Grant from Vermont Community Foundation for Dog Park. Elwell said that the Board was asked to accept and appropriate the Dunham-Mason Fund

Grant from Vermont Community Foundation in the amount of \$300 for the purchase and installation of a fence at the proposed dog park in Living Memorial Park. There was no discussion by the Board.

MOTION BY KATE O'CONNOR TO ACCEPT AND APPROPRIATE THE DUNHAM-MASON FUND GRANT FROM THE VERMONT COMMUNITY FOUNDATION IN THE AMOUNT OF \$300 FOR THE PURCHASE AND INSTALLATION OF A FENCE AT THE PROPOSED DOG PARK IN LIVING MEMORIAL PARK. MOTION CARRIED 4-0.

Approve Grant Application – *VTrans Bicycle and Pedestrian Engineering and Construction Grant for Western Avenue, Department of Public Works.* O'Connell and Barrett said that the Board was asked to approve the Agency of Transportation Bicycle and Pedestrian Design and Construction Grant application in the amount of \$700,000 for design and construction of safety and drainage improvements on Western Avenue between Greenleaf Street and Bonnyvale Road. O'Connell spoke in detail about the May, 2014 VTrans scoping study on Western Avenue in the area between Greenleaf Street and the Melrose Bridge, the public process around the study, improvement options offered by the consultants, and the preferred alternative agreed on by Traffic Safety Committee and the Selectboard. She said that the study anticipated a cost in excess of \$1,000,000 for bike and pedestrian safety improvements in the area. She suggested using this grant to make drainage and safety improvements now in the limited area between Greenleaf Street and Bonnyvale Road and continue to apply for grant funding for improvements to the larger area, which ultimately would include installing a pedestrian sidewalk over the Melrose Bridge. She reported that the State recently added the Melrose Bridge improvement project to its candidate list, which could be a project extending out for seven to ten years. She said that the Windham Regional Commission supported this grant opportunity combining the drainage issues with the safety issues and the grant would be funded 80% by VTrans with a 20% match requirement. Barrett discussed some drainage concerns in the area. Elwell congratulated O'Connell and Barrett in creatively partnering this grant opportunity with the drainage, pedestrian, bicycle, and safety concerns in the area. Michael Bosworth, from the West Brattleboro Association, spoke in support of making improvements to the area. There was much discussion by the Board, including the grant, the overall scope of necessary drainage improvements, the 2014 scoping study and alternatives offered, improvements to the sidewalks and bike lanes in the area, estimated cost of improvements, and other traffic calming concerns.

MOTION BY JOHN ALLEN TO APPROVE THE APPLICATION FOR A \$700,000 AGENCY OF TRANSPORTATION BICYCLE AND PEDESTRIAN DESIGN AND CONSTRUCTION GRANT FOR DESIGN AND CONSTRUCTION OF SAFETY AND DRAINAGE IMPROVEMENTS ON WESTERN AVENUE BETWEEN GREENLEAF STREET AND BONNYVALE ROAD. MOTION CARRIED 4-0.

Approve Grant Applications – *VTrans Bicycle and Pedestrian Small Scale Grants, Department of Public Works*

- (i) *Holton Home*
- (ii) *Union Hill*

Barrett and O'Connell were present and said that the Board was asked to approve two small scale grant applications, in the amount of \$7,400 each, to the Vermont Department of Transportation (VTrans) for bicycle and pedestrian improvements to Western Avenue to fund installation of pedestrian push button warning devices in front of the Holton Home and near the top of the Union Hill intersection. Barrett also noted recent installations of pedestrian buttons in other areas around town. O'Connell said the grant required a 50% match by the Town, which could be in-kind. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE APPLICATIONS FOR \$7,400 EACH FOR BICYCLE AND PEDESTRIAN PROGRAM, SMALL SCALE GRANT, FROM VTRANS TO PAY FOR PURCHASE AND INSTALLATION OF AN RRFB DEVICE AT THE CROSSWALK ON WESTERN AVENUE NEAR HOLTON HOME AND THE CROSSWALK ON WESTERN AVENUE NEAR THE UNION HILL INTERSECTION. MOTION CARRIED 4-0.

Main Street Sidewalk Reconstruction Project - Department of Public Works

- (i) *Accept and Appropriate Grant Amendment*
- (ii) *Authorize Payment to Zaluzny*

Elwell said that the Board was asked to accept and appropriate additional grant funding from the Vermont Agency of Transportation (VTrans) in the amount of \$30,000 for the Main Street Sidewalk Reconstruction Project, and to authorize an additional payment to Zaluzny Excavating in the amount of \$70,000 for additional work performed on the coal chutes beyond the scope of the original contract. O'Connell and Barrett were present and discussed the completed Main Street Sidewalk Reconstruction Project. O'Connell said that 16 square feet of coal chutes, delivery hatches, and subterranean vaults were anticipated in the project, but the actual square footage encountered was 288. She said that consequently there were additional costs associated with the project. She said that in negotiations with the contractor, engineers, and VTrans, the parties agreed that the contractor would reduce its bill from \$134,000 to \$70,000, and the additional funding would require VTrans to amend the grant to include \$30,000 in additional funding, the design engineer agreed to contribute \$10,000, and the Town would contribute \$30,000 to cover the additional cost. Elwell said that that \$82,000 remained in the project fund balance (prior to payment of engineering fees), so the Board was being asked for authority to spend \$30,000 from the fund balance and not for additional funds. Barrett noted that with payment of the engineering fees, the fund balance would be depleted. DeGray inquired about the unhealthy tree near Distinctive Décor. Barrett and O'Connell discussed the tree and cobblestones installed around it. There was some discussion by the Board about the overall project, additional costs, and the improvements.

MOTION BY RICHARD DEGRAY TO ACCEPT AND APPROPRIATE ADDITIONAL GRANT FUNDING FROM THE VERMONT AGENCY OF TRANSPORTATION IN THE AMOUNT OF \$30,000 FOR THE MAIN STREET SIDEWALK RECONSTRUCTION PROJECT. MOTION CARRIED 4-0.

MOTION BY RICHARD DEGRAY TO AUTHORIZE AN ADDITIONAL PAYMENT TO ZALUZY EXCAVATING IN THE AMOUNT OF \$70,000 FOR WORK PERFORMED BEYOND THE SCOPE OF THE ORIGINAL CONTRACT IN CONNECTION WITH THE MAIN STREET SIDEWALK RECONSTRUCTION PROJECT. MOTION CARRIED 4-0.

Highway Division Dump Truck Bid Award – Department of Public Works. Barrett said that the Board was asked to award the bid for replacement of a Highway Division dump truck to Delurey Sales and Service of North Hoosick, New York, in the net amount of \$151,839 (which included an \$18,500 credit for trade-in of the existing vehicle). He briefly discussed the bids that were received and the existing fleet. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO AWARD THE BID FOR REPLACEMENT OF A HIGHWAY DIVISION DUMP TRUCK TO DELUREY SALES AND SERVICE OF NORTH HOOSICK, NEW YORK, IN THE NET AMOUNT OF \$151,839 (WHICH INCLUDES AN \$18,500 CREDIT FOR TRADE-IN OF THE EXISTING VEHICLE). MOTION CARRIED 4-0.

Committee Appointments. Elwell said that the Board was asked to appoint new members to the Cemetery Committee, Conservation Commission, Development Review Board (Alternate), and Energy Committee. Michael Bosworth inquired about appointments made to the Energy Committee at the past meeting. There was no discussion by the Board.

GARTENSTEIN NOMINATED DREW ADAM FOR THE CONSERVATION COMMISSION; DAVE WHITTLE FOR THE DEVELOPMENT REVIEW BOARD ALTERNATE; AND JOEL MARTELL FOR THE ENERGY COMMITTEE. NOMINATIONS CARRIED 4-0.

Elwell said that one seat was available on the Cemetery Committee and two applications were received. There was a brief discussion by the Board whether to hold interviews at a later meeting or to make a decision on the applications.

JOHN ALLEN NOMINATED PATTY DUNN.

RICHARD DEGRAY NOMINATED KAREN KALE.

PATTY DUNN RECEIVED 2 VOTES. KAREN KALE RECEIVED 3 VOTES.

KAREN KALE WAS APPOINTED TO THE CEMETERY COMMITTEE.

There was no further business.

MOTION BY RICHARD DEGRAY TO ADJOURN AT 8:03PM. MOTION CARRIED 4-0.

David Schoales, Clerk