

**BRATTLEBORO SELECTBOARD  
TUESDAY, JULY 11, 2017  
REGULAR MEETING – 6:15PM  
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER  
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Town Assessor Russell Rice, Police Chief Mike Fitzgerald, Fire Chief Mike Bucossi, Assistant Fire Chief Len Howard, Recreation & Parks Director Carol Lolatte, and others who did not sign the attendance sheet.

Media present: BCTV staff and volunteers.

Others present: Sam Payne, Bridget McBride, Crystal (no last name provided), Curtiss Reed, Jr., Irina Drozdova, Jeff Clark, Melissa Clark, Francine Vallario, Michelle Simpson-Siegel, Josh Davis, Chad Simmons, Tom Zopf, George Carvill, Bob Oeser, Samantha (no last name provided), Dick DeGray, Sarah Stewart, ASL interpreters Elizabeth Fox and Janet Dickinson, and others who did not sign the attendance sheet.

Chair O'Connor called the meeting to order at 6:15pm. She confirmed that the meeting was properly warned.

***APPROVE MINUTES***

**MOTION BY BRANDIE STARR TO APPROVE THE MINUTES FROM JUNE 20, 2017. MOTION CARRIED 4-0.**

***CHAIR'S REMARKS***

Chair O'Connor commented on the recent drug overdoses in Town over the long Fourth of July weekend. She noted that twelve reports were received and said that such overdoses were being experienced throughout the state and nation. She said that law enforcement agencies, medical providers, and social services were working on this difficult issue and she noted that the Brattleboro community was supportive of each other.

O'Connor then spoke about the successful Fourth of July Parade and thanked the many volunteers and Town departments for their support. She also thanked Carol Lolatte and the Recreation & Parks Department for organizing the many afternoon activities at Living Memorial Park.

O'Connor asked the Board to move agenda item A under "New Business" (Southern Vermont Dance Festival Proclamation) to this point in the meeting in order to accommodate Brenda Siegel's schedule.

Southern Vermont Dance Festival Proclamation. Brenda Siegel, organizer of the Southern Vermont Dance Festival, spoke about the upcoming festival scheduled from July 13 through July 16. She said that this would be the festival's 5th season and it was bigger this year than in previous years. She spoke about the many programs and community events scheduled throughout the weekend. O'Connor read the proclamation and indicated that the Board would sign the proclamation and provide a copy to Siegel prior to the festival.

**NO MOTION WAS OFFERED.**

***MANAGER'S COMMENTS***

None.

### **SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

John Allen thanked Kevin O'Connor and the O'Connor family for organizing the Fourth of July Parade. Wessel noted the crowd's enthusiastic response to Alfred.

Starr said she was appreciative of the Chair's recognition of the recent overdoses. She thanked the first responders for responding with care and compassion. She also thanked Police Captain Carignan for his article that was recently published in the Brattleboro Reformer.

### **PUBLIC PARTICIPATION**

Sam Payne spoke at length about the current environment at NECCA (New England Center for Circus Arts). He said that NECCA was in a state of crisis and spoke about secretive meetings by the NECCA Board and confusion about finances. He asked that the community support NECCA and for people to get involved.

Bridget McBride, a student at NECCA, spoke in support of the founders, Elsie and Serenity, and noted that some of the coaches had recently resigned due to actions by the NECCA Board. She read a letter that would be sent to the NECCA Board.

An unidentified speaker spoke about her safety concerns at NECCA and indicated that she would not allow her child to attend the school at this time.

Crystal, a student at NECCA, said that she spoke with coaches who indicated that recent actions were financial and administrative decisions. She spoke in support of the founders Elsie and Serenity.

Curtiss Reed, Jr, Executive Director of Vermont Partnership for Fairness and Diversity, inquired about the status of changing the demographics of Town employees and what measures were being taken. Elwell said that after the initial discussion (on June 6), he had since presented the Board with additional information and recommendations at the June 20 Board meeting. He said that a lasting diversity policy would require community involvement and he would be meeting with community members and agencies throughout the summer before making further recommendations to the Board. He suggested that he meet with Reed to review the materials provided to the Board and discuss the matter further.

### **WATER AND SEWER COMMISSIONERS**

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

Request for Abatement of Water and Sewer Late Fees – Kirill and Irina Drozdova. O'Connor said that the Board was asked to consider the appeal filed by Kirill and Irina Drozdova requesting waiver of \$15.71 in late fees that were imposed because the Drozdovas paid their water and sewer bill after the May 15 deadline. Irina Drozdova said that they had always paid their bills on time and had been out of the country around the time the bill was due. She said that they paid the bill a day or two late. Elwell said that the late fee was applied in accordance with the water and sewer ordinance. He said there was an appeal process if a fee was improperly imposed but in this case there had been no administrative error and he recommended that the late fee be enforced. There was some discussion by the Board about enforcing the ordinance fairly to every rate payer. Ms. Drozdova indicated that she understood the provisions in the ordinance and why Board would likely deny her appeal. The Board members agreed in conversation to follow the ordinance provisions.

#### **NO MOTION WAS OFFERED.**

#### Welcome Center Wastewater Pump Station Upgrade Project

- (i) *Agency of Transportation Finance and Maintenance Agreement*
- (ii) *Agency of Commerce and Community Development Grant Agreement*
- (iii) *Approval to Purchase Generator, Pumps, and Switching Equipment*

Elwell said that at the June 6 Selectboard meeting, the Board approved an agreement with the State of Vermont and the Federal Highway Administration allowing the Town to move forward with expedited procurement of a generator, pumps, and switching equipment for the project to upgrade the wastewater pump station at the State's Welcome Center on I-91 in Guilford. He said that since the pump station served Commonwealth Dairy, the Delta Business Campus, Welcome Center, and Algiers Fire District in Guilford, the Town would assume ownership and operating responsibilities after it had been upgraded, as described in the memorandum dated June 29, 2017, from Public Works Director Steve Barrett. He said that the Board was asked to approve two agreements to provide for (1) the State to pay for the Town's upgrade of the pump station and for the Town's eventual assumption of ownership, and (2) a \$100,000 contribution to the project from the Windham County Economic Development Program to expand the capacity of the pump station to meet future economic development needs. He said that the Board was also asked to approve the pricing for the expedited procurement of the long-lead-time capital equipment. There was a brief discussion by the Board.

**MOTION BY TIM WESSEL TO AUTHORIZE THE TOWN MANAGER TO (1) EXECUTE A FINANCE AND MAINTENANCE AGREEMENT BETWEEN THE STATE OF VERMONT AND THE TOWN OF BRATTLEBORO; (2) EXECUTE A STATE OF VERMONT GRANT AGREEMENT BETWEEN THE VERMONT AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT AND THE TOWN OF BRATTLEBORO; (3) PROCEED WITH THE PURCHASE OF PUMPS, SWITCHING EQUIPMENT, AND AN EMERGENCY GENERATOR, AS SPECIFIED; AND (4) TAKE ANY OTHER ACTIONS NECESSARY TO COMPLETE THE UPGRADE OF THE WELCOME CENTER PUMP STATION UPGRADE PROJECT. MOTION CARRIED 4-0.**

Rebuild of Headworks Conveyor at the Wastewater Treatment Plant. Elwell said that the Board was asked to award a contract in the amount of \$29,882.95 to Custom Conveyor Corporation for rebuilding the headworks conveyor at the Wastewater Treatment Plant. He said that the work would entail an anticipated maintenance project, as well as a modification to the conveyor system that would extend the life of the affected equipment, as explained in the memorandum dated June 28, 2017, from Public Works Director Steve Barrett. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO AWARD A CONTRACT IN THE AMOUNT OF \$29,882.95 TO CUSTOM CONVEYOR CORPORATION FOR REBUILDING THE HEADWORKS CONVEYOR AT THE WASTEWATER TREATMENT PLANT. MOTION CARRIED 4-0.**

Western Avenue Water Main over I-91 – Construction Services Agreement. Elwell said that the Board was asked to approve a construction services agreement in the amount of \$32,300 with Dufresne Group for engineering services to oversee the bidding and construction phases of the Western Avenue I-91 Water Main Project. He said that the project involved the emergency replacement of a leaking section of water main attached to the underside of the Western Avenue bridge over I-91, as set forth in the memorandum dated June 28, 2017, from Public Works Director Steve Barrett. There was a brief discussion by the Board.

**MOTION BY BRANDIE STARR TO APPROVE A CONSTRUCTION SERVICES AGREEMENT IN THE AMOUNT OF \$32,300 WITH DUFRESNE GROUP FOR ENGINEERING SERVICES TO OVERSEE THE BIDDING AND CONSTRUCTION PHASES OF THE WESTERN AVENUE I-91 WATER MAIN PROJECT. MOTION CARRIED 4-0.**

**MOTION BY TIM WESSEL TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.**

## **UNFINISHED BUSINESS**

### Police-Fire Facilities Project

- (i) *Update*
- (ii) *PD Furniture Purchase*
- (iii) *PD Dispatch Logging System Purchase*
- (iv) *Miscellaneous PD and FD Outfitting Purchases*
- (v) *Increased Funding for Owner's Project Manager Services*

Elwell provided the Board with an update on construction progress at the Police Station and the Central Fire Station, as set forth in his memorandum dated July 5, 2017, including administratively approved project expenses and an overall summary of the project budget. He said that the memo and attachments also provided explanations and justifications for staff's request that the Board authorize expenditure of \$159,306.60 from the Police-Fire Facilities Project Bond Fund to purchase equipment and services as described in detail in the Board's backup materials. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO AUTHORIZE THE TOWN MANAGER TO EXPEND FROM THE POLICE-FIRE FACILITIES PROJECT BOND FUND \$99,671.14 FOR POLICE STATION FURNISHINGS; NOT TO EXCEED \$25,000 OF ADDITIONAL FUNDING FOR STEVE HORTON'S SERVICES AS OWNER'S PROJECT MANAGER; \$20,192.25 FOR A DISPATCH CENTER LOGGING RECORDER; NOT TO EXCEED \$20,000 FOR A VARIETY OF OUTFITTING ITEMS FOR THE TWO FIRE STATIONS; \$7,914.99 FOR TELEPHONE CABLING, A WEATHER STATION, AND A DIGITAL ALARM MASTER BOX AT THE POLICE STATION; AND \$6,199.36 FOR NEW SIGNAGE AND TO RELOCATE A COMPRESSOR, BOTH AT THE CENTRAL FIRE STATION; ALL AS SET FORTH MORE EXPLICITLY IN THE MEMORANDUM DATED JULY 5, 2017, FROM TOWN MANAGER PETER ELWELL AND IN THE ATTACHMENTS THERETO. MOTION CARRIED 4-0.**

## **NEW BUSINESS**

Southern Vermont Dance Festival Proclamation. This item was moved to an earlier time in the meeting and was addressed under "Chair's Remarks."

Set FY18 Property Tax Rates. Elwell said that the Board was asked to set the FY18 property tax rates to fund the FY18 General Fund Budget that was approved at Representative Town Meeting on March 25, 2017. He said that the proposed municipal tax rate would increase by 3.07 cents, which was less than the 3.5 cents that was forecasted when the FY18 budget was approved by the Selectboard and by Representative Town Meeting. He said that the education tax rates set by the State would decline for both residential and non-residential property so the overall total local property tax rate for FY18 would increase by less than a penny, as set forth in the memoranda from Town Assessor Russell Rice and Finance Director John O'Connor and on a chart labelled "Brattleboro Fiscal Year 2017 and 2018 Property Tax Comparison" in the Board's back-up materials. Elwell thanked Town Assessor Russell Rice and the Assessment Department for their hard work in preparing the Grand List. There was a brief discussion by the Board.

**MOTION BY BRANDIE STARR TO APPROVE A MUNICIPAL TAX RATE OF \$1.2214 PER \$100 OF ASSESSED VALUATION FOR GENERAL FUND OPERATIONS, AN ADDITIONAL \$0.1294 PER \$100 OF ASSESSED VALUATION FOR THE DOWNTOWN IMPROVEMENT DISTRICT, AND AN ADDITIONAL \$6.8785 PER \$100 OF ASSESSED VALUATION FOR THE TRI-PARK SPECIAL ASSESSMENT, AND TO RATIFY THE STATE-MANDATED EDUCATION RATES AT \$1.5976 PER \$100 OF ASSESSED VALUATION FOR HOMESTEAD PROPERTIES AND \$1.4557 PER \$100 OF ASSESSED VALUATION FOR NON-RESIDENTIAL PROPERTIES. MOTION CARRIED 4-0.**

Farm Tax Stabilization Program – FY18 Request for Waiver from Robb Family Farm. Elwell said that the Farm Tax Stabilization Waiver Committee (Selectboard Chair Kate O'Connor, Finance Director John

O'Connor, and Town Manager Peter Elwell) recommended that the Robb Family Farm be allowed to remain in the Farm Tax Stabilization Program for FY18. He said there were unique financial circumstances related to the generational transition in the operation of the Robb Family Farm that required the Waiver Committee's review. He said that the Waiver Committee determined that the applicable land was still being farmed and was eligible for continued participation in the program. There was no discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE THE CONTINUED PARTICIPATION OF THE ROBB FAMILY FARM IN THE FARM TAX STABILIZATION PROGRAM FOR FISCAL YEAR 18. MOTION CARRIED 4-0.**

Capital Paving Program -- *Bid Award*. Elwell said that the Board was asked to award a contract in the amount of \$146,178.50 to Mitchell Sand and Gravel of Winchester, New Hampshire, for the FY18 capital paving program. He said that Mitchell Sand and Gravel was the low bidder from among the three bids received and the price was below the \$250,000 that had been budgeted for the work. There was a brief discussion by the Board.

**MOTION BY BRANDIE STARR TO AWARD THE FY18 CAPITAL PAVING CONTRACT TO MITCHELL SAND AND GRAVEL IN THE AMOUNT OF \$146,178.50. MOTION CARRIED 4-0.**

Skatepark Items

- (i) *Status Report*
- (ii) *Accept and Appropriate Grant from the Crosby-Gannett Fund of the Vermont Community Foundation*
- (iii) *Authorize Application for a Recreational Facilities Grant from the Vermont Department of Buildings and General Services*

Jeff Clark, Melissa Clark, and Francine Vallario, members of BASIC Committee (Brattleboro Area Skatepark Is Coming) were present. Jeff Clark said that much community support had been received and he provided the Board with an update on fundraising from contributions, pledges, events, and grants. He said that the budget for preparation and construction of the skatepark was \$230,000 (\$46/square foot x 5,000 square feet) and that \$106,000 in pledges and funds had been received, leaving \$125,000 to be raised. Elwell said that the Board was asked to accept and appropriate a \$1,400 grant from the Crosby-Gannett Fund and to authorize a \$25,000 Recreational Facilities Grant application. There was a brief discussion by the Board.

**MOTION BY TIM WESSEL TO ACCEPT AND APPROPRIATE A \$1,400 GRANT FROM THE CROSBY-GANNETT FUND OF THE VERMONT COMMUNITY FOUNDATION AND TO AUTHORIZE APPLICATION FOR A \$25,000 RECREATIONAL FACILITIES GRANT FROM THE VERMONT DEPARTMENT OF BUILDINGS AND GENERAL SERVICES, BOTH TO PROVIDE FUNDING FOR THE FUTURE CONSTRUCTION OF A SKATEPARK IN THE UPPER SECTION OF LIVING MEMORIAL PARK. MOTION CARRIED 4-0.**

Panhandling – *Discussion*. O'Connor introduced panel members who were asked to attend the meeting and discuss this matter - Michelle Simpson-Siegel (Downtown Brattleboro Alliance), Josh Davis (Groundworks Collaborative), and Police Chief Mike Fitzgerald. Tim Wessel said that he asked for the matter to be added to the agenda because of the number of comments he received from merchants while campaigning for the Selectboard. He acknowledged that panhandling downtown involved community concerns, societal factors, and personal backstories and that other towns and cities in the U.S. also faced the same challenge. He noted that panhandling was legal under Federal free speech laws but harassment and intimidation were not. He asked to look for a compassionate solution in order to help the downtown merchants and in keeping with the spirit of making a great town even greater.

Michelle Simpson-Siegel (from Downtown Brattleboro Alliance (DBA)) said that she spoke on behalf of downtown businesses, property owners, and residents. She acknowledged that the panhandling issue contained a spectrum of perspectives. She noted that panhandling had a significant impact on businesses' bottom line and that it also carried safety issues. She agreed that the matter contained a variety of factors and opinions and that everyone was interested in maintaining a vibrant downtown. She suggested that the DBA and Chamber of Commerce collaborate in a survey to collect numbers and information about panhandling, as well as harassment concerns.

Josh Davis (from Groundworks Collaborative) said that he operates two homeless centers and interacts with many individuals who panhandle. He spoke about information available online from other towns in the nation and about information he obtained from 8 responses to an informal survey given to some of the people who panhandle, including their use of funds, the minimal amount of funds raised, and interest in obtaining incidental jobs in exchange for money for food and expenses. He said that offering jobs would allow people who panhandle to make a contribution to the Town and would be good for public relations. He also suggested providing other collection opportunities for anyone interested in making a financial contribution to assist.

Police Chief Mike Fitzgerald suggested that many variables play a part in the need to panhandle. He discussed the importance to address the various issues in order to correct the underlying problems. He confirmed that panhandling was legal and protected under the free speech law but that aggressive or disorderly behavior, such as blocking a person's path, hands on, loud offensive behavior, or aggression at ATMs, was not legal. He asked that anyone subjected to such disorderly behavior call the police. He suggested forming an outreach team ("Team"), consisting of a police officer, mental health provider, recovery specialist, and volunteer (possibly someone who previously panhandled), in order to build relationships with people who panhandle. He suggested that the Team would go downtown from time to time and speak with individuals and, as part of a long-term approach to improve the quality of life for the individuals and community, provide information on available resources, offer referrals, and inform people who panhandle about services in the community. He offered to take the lead on forming such Team and then reach out to pertinent agencies.

Chair O'Connor summarized that four suggestions had been made, including (1) a survey initiated by DBA and the Chamber to gather information about people's experiences and situations, (2) a jobs program (to be discussed by Josh Davis and the Town Manager), (3) collection boxes/opportunities, and (4) an outreach task force (to be formed by Chief Fitzgerald).

She opened the discussion to members of the audience.

Chad Simmons, a Brattleboro resident and Regional Council Coordinator for Building Bright Futures (an early childhood council for the region) spoke about ensuring an economy that works for all families. He spoke about looking at root causes, causes for poverty, relationships with money, and having a collaborative approach with the Town, service agencies, and residents.

Tom Zopf, George Carvill, Samantha (no last name provided), Bob Oeser, and Sarah Stewart spoke about their interactions with people who panhandle, their individual opinions and concerns, suggested approaches, and the importance of maintaining individuals' dignity.

Dick DeGray spoke about his daily experiences downtown with different people who panhandle and the effect that panhandling had on the downtown merchants. He identified common panhandling spots, being the pay-and-display meters in Harmony Parking Lot, Kyle Gilbert Bridge, and the Hinsdale Bridge. He said that tourists, residents, and visitors were deterred from going downtown and he also spoke about safety issues. He agreed that the situation was not easily solvable and wanted the discussion to continue in order to develop an action plan.

There was much discussion by the Board. Each of the Board members spoke about experiences they had downtown, effects on the businesses, resources available, and the complexity of the matter. Wessel

asked for more input from the merchants. O'Connor suggested that the matter be added to an agenda in September to include a follow-up report on the four suggestions. She invited the public to contact Selectboard members or the Town Manager's Office with any further information.

**NO ACTION TAKEN.**

Chair O'Connor recessed the meeting for 5 minutes. She reconvened the meeting at 8:50pm.

Community Drug Interdiction Program Grants from Vermont Department of Public Safety

- (i) *Accept and Appropriate an Amendment to the FY17 Grant*
- (ii) *Accept and Appropriate the FY18 Grant*

Elwell said that the grant was an annual grant funding participation of a Town police officer in the regional anti-drug task force. He said that the FY17 grant amendment would provide supplemental State funding for the fiscal year that ended on June 30, 2017, and the FY18 grant would provide State funding for the fiscal year that began on July 1, 2017. There was no discussion by the Board.

**MOTION BY JOHN ALLEN TO ACCEPT AND APPROPRIATE TWO COMMUNITY DRUG INTERDICTION PROGRAM GRANTS (AN AMENDMENT TO INCREASE AN EXISTING FY17 GRANT BY \$5,000 AND A NEW \$90,000 GRANT FOR FY18) FROM THE VERMONT DEPARTMENT OF PUBLIC SAFETY. MOTION CARRIED 4-0.**

Selectboard Goals – Quarterly Review. Elwell said that the Board asked to review quarterly the status on implementation of its 2017-2018 Goals. He said that a copy of the Goals with a notation about the status was included in the Board's packet. He summarized that the majority of the goals were being addressed (some substantively) with only 3 or 4 where actions had not been initiated. There was a brief discussion by the Board. Starr read an e-mail from Board member David Schoales (who was not able to attend the meeting). There was some confusion about Schoales' request so the Board agreed to discuss it at a time when Schoales was present.

**NO ACTION TAKEN.**

Committee Appointments – O'Connor said that the Board was asked to re-appoint two members to the Energy Committee and one member to the Cemetery Committee.

**JOHN ALLEN NOMINATED JACKIE STROMBERG TO THE CEMETERY COMMITTEE FOR A 3-YEAR TERM. NOMINATION CARRIED 4-0.**

**BRANDIE STARR NOMINATED TAD MONTGOMERY AND ROSEANN GRIMES TO THE ENERGY COMMITTEE FOR 3-YEAR TERMS. NOMINATIONS CARRIED 4-0.**

There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 9:03PM. MOTION CARRIED 4-0.**

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Tim Wessel, Clerk