

**BRATTLEBORO SELECTBOARD
TUESDAY, SEPTEMBER 6, 2016
EXECUTIVE SESSION – 5:15PM
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Clerk Annette Cappy, Police Chief Mike Fitzgerald, Fire Chief Mike Bucossi, Assistant Fire Chief Leonard Howard, many members of the Fire Department, and Executive Secretary Jan Anderson.

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

Others present: Raymond Giolitto, James Banslaben, ASL interpreters Janet Dickinson and Karen Todd, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:15pm. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, NEGOTIATING REAL ESTATE LEASE AND APPOINTMENT OF A PUBLIC OFFICER OR EMPLOYEE, WHERE GENERAL PREMATURE PUBLIC KNOWLEDGE WOULD PLACE THE MUNICIPALITY, THE BOARD AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 5-0.

Gartenstein reconvened the business meeting at 6:15pm.

APPROVE MINUTES

MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM AUGUST 16, 2016 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein noted that school was back in session and he asked drivers to drive safely and slowly. He announced that the Elliot Street Bridge has been re-opened. He also briefly discussed many other projects that were being undertaken by the Public Works Department.

MANAGER'S COMMENTS

Town Manager Elwell extended a final invitation for the public to submit responses to the Compressive Review of Town Operations (CRTO) and noted that the deadline to respond was Friday, September 9. He also announced that the computer system in the Fire Department was hacked on August 22, that data on the server had been encrypted, and a ransom had been demanded by the hackers to restore the data. He said that the Town decided not to pay the ransom and the Department was recreating documents and data. He said that a minimal amount of sensitive data was included in the incident and that significant improvements had been made to the Town's systems so they were better protected.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Schoales reported on the budget process for the Windham Solid Waste Management District and discussed possible changes to the upcoming year's budget. He said that the Finance Committee requested two budgets, with and without continued use of the MRF. There was some discussion about when the proposed budget(s) may be presented to the Selectboard for consideration.

DeGray thanked Scott Borofsky for his work in refurbishing the mural in the Harmony Parking Lot. He said that he would ask the Downtown Brattleboro Alliance for funds to pay Borofsky or, alternatively, contribute some personal funds.

Allen announced that his son was married in Brattleboro last weekend and over 125 people attended the wedding, many of whom lived out of town. He said that he received many good reports on the Town of Brattleboro.

PUBLIC PARTICIPATION

Gartenstein announced that the newly appointed Assistant Fire Chief Leonard Howard was present and would be sworn in to his new position. Town Clerk Annette Cappy administered the oath. Howard's wife Becky Howard pinned his badge onto his uniform. Fire Chief Bucossi, most of the Fire Department, and many family members and friends were present.

WATER AND SEWER COMMISSIONERS

MOTION BY JOHN ALLEN TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

Black Mountain Road Gravity Sewer Project – Authorize Final Change Order. Elwell said that the Board was asked to authorize him to (1) execute a final change order as part of the close-out of the Black Mountain Road Gravity Sewer Project, (2) execute the mutual release with Kingsbury, and (3) take such other actions that may be required to implement the settlement agreement with Kingsbury. He said that the change order would increase the contract sum to Kingsbury Companies by \$540,924.84, consistent with the settlement reached between the Town and Kingsbury Companies and approved by the Selectboard on August 4, 2016. He discussed the settlement with Kingsbury and some remaining work to be completed in order to complete the project. There was no discussion by the Board.

MOTION BY RICHARD DEGRAY TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A FINAL CHANGE ORDER TO INCREASE THE AMOUNT OF THE BLACK MOUNTAIN ROAD GRAVITY SEWER PROJECT CONSTRUCTION CONTRACT WITH KINGSBURY COMPANIES BY \$540,924.84, AND TO EXECUTE THE RELATED MUTUAL RELEASE DOCUMENT, AND TO TAKE SUCH OTHER ACTIONS THAT MAY BE REQUIRED TO IMPLEMENT THE SETTLEMENT AGREEMENT APPROVED BY THE SELECTBOARD ON AUGUST 4, 2016. MOTION CARRIED 4-1 (ALLEN OPPOSED).

MOTION BY RICHARD DEGRAY TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

Police-Fire Facilities Project Update

- (i) *Status of Construction at West Brattleboro Fire Station*
- (ii) *Review of Site Plan, Floor Plan, and Exterior Elevations at Police Station*
- (iii) *Overall Update*

Elwell provided a brief status report on the construction of the West Brattleboro Fire Department and reviewed the upcoming schedule for other parts of the overall project. He also stated that no additional change orders were required since his update at the last Selectboard meeting. Architect Ray Giolitto, from Northeast Collaborative Architects, provided a detailed presentation of the site plan, floor plan and exterior elevations for the police facility located at 62 Black Mountain Road. Elwell noted that the plans were unanimously approved by the Police-Fire Facilities Building Committee (PFFBC) at its meeting on August 10, 2016 and, if approved by the Board, the plans would be submitted to the Planning Department for consideration at the October 17, 2016 meeting of the Development Review Board. There were many questions and much discussion by the Board about the police facility plans and project.

MOTION BY RICHARD DEGRAY TO APPROVE THE BRATTLEBORO POLICE DEPARTMENT SITE PLAN, FLOOR PLAN AND EXTERIOR ELEVATIONS, AS PRESENTED, FOR SUBMISSION TO THE DEVELOPMENT REVIEW BOARD. MOTION CARRIED 5-0.

NEW BUSINESS

Town Health Officer – Ratify Appointment. Elwell said that the Board was asked to ratify the appointment of Assistant Fire Chief Leonard Howard III to the position of Town Health Officer, effective September 1, 2016. He said that the State takes action on such items only at the beginning of each month and in order to make the appointment effective on September 1, the Chair signed the Health Officer appointment in August and the Board was now asked to ratify the appointment. There was a brief discussion.

MOTION BY DAVID GARTENSTEIN TO RATIFY THE APPOINTMENT OF ASSISTANT FIRE CHIEF LEONARD HOWARD III TO THE POSITION OF TOWN HEALTH OFFICER, EFFECTIVE SEPTEMBER 1, 2016. MOTION CARRIED 5-0.

Survey for Minshall Street Trail – Commission Survey. Elwell said that the Board recently issued its decisions on three requests for road reclassifications at Minshall Street, Bittersweet Lane, and Wickopee Hill Road. He said that the Minshall Street decision resulted in a change to the underlying public right-of-way and the Board was asked to approve commission of a survey to properly depict the new public right-of-way and the limits of the abutters' rights-of-way over the discontinued portion of Minshall Street. He said that surveys were not required at Bittersweet Lane or Wickopee Hill Road. There was no discussion by the Board.

MOTION BY JOHN ALLEN TO COMMISSION A SURVEY DEPICTING THE HIGHWAY RIGHT-OF-WAY FOR THE MINSHALL STREET TRAIL AND DEPICTING THE LIMITS OF THE ABUTTERS' RIGHTS-OF-WAY OVER THE DISCONTINUED PORTION OF MINSHALL STREET. MOTION CARRIED 5-0.

Ordinance Amendment – Second Reading and Public Hearing, Appendix C, Article II (Parking), Section 16-100 (No Parking Areas) and Section 16-101 (Limited Parking Areas). Gartenstein said that the Board was asked to hold a second reading and conduct a public hearing on proposed amendments to Appendix C of the Code of Ordinances, as set forth in the memo from Assistant Town Manager Moreland, dated July 22, 2016.

Gartenstein opened the public hearing.
He read the proposed amendments. There was no public comment or discussion by the Board.
Gartenstein closed the public hearing.

MOTION BY JOHN ALLEN TO APPROVE THE CHANGES TO BRATTLEBORO CODE OF ORDINANCES, APPENDIX C, ARTICLE 2, SECTIONS 16-100 AND 16-101, AS PRESENTED. MOTION CARRIED 5-0.

Ordinance Amendment – Second Reading and Public Hearing, Repeal Entire Chapter 12 (Mobile Homes, Trailer Coaches, Mobile Home and Trailer Parks). Gartenstein said that the Board was asked to hold a second reading and conduct a public hearing to repeal Chapter 12 of the Code of Ordinance, as set forth in the memo from Assistant Town Manager Moreland, dated August 10, 2016.

Gartenstein opened the public hearing.
He said that Chapter 12 would be deleted in its entirety because the provisions had been superseded by Vermont Statute. There was no public comment or discussion by the Board.
Gartenstein closed the public hearing.

MOTION BY DAVID SCHOALES TO REPEAL CHAPTER 12 (MOBILE HOMES, TRAILER COACHES, MOBILE HOME AND TRAILER PARKS) OF THE TOWN OF BRATTLEBORO CODE OF ORDINANCES. MOTION CARRIED 5-0.

Vermont Municipal Employees Retirement System (VMERS) Plan B – Acknowledge Use of Total Compensation. Elwell said that the Board was asked to formally acknowledge that for the purpose of reporting employee compensation to VMERS, the Town would report Total Compensation, meaning all taxable earnings including overtime. He said that VMERS required the Board's acknowledgement of the reporting requirement. There was no discussion by the Board.

MOTION BY JOHN ALLEN TO ACKNOWLEDGE THAT FOR THE PURPOSE OF REPORTING EMPLOYEE COMPENSATION TO VMERS, THAT THE TOWN WILL REPORT TOTAL COMPENSATION, MEANING ALL TAXABLE EARNINGS, INCLUDING OVERTIME. MOTION CARRIED 5-0.

VLCT Annual Business Meeting – Appoint Delegate. Gartenstein said that the Board was asked to appoint Peter B. Elwell as voting delegate for the annual VLCT business meeting. There was no discussion.

MOTION BY KATE O'CONNOR TO APPOINT TOWN MANAGER PETER B. ELWELL AS VOTING DELEGATE FOR THE ANNUAL VLCT BUSINESS MEETING. MOTION CARRIED 5-0.

Committee Appointments

- (i) *Conservation Committee*
- (ii) *Recreation & Parks Board*
- (iii) *Chamber of Commerce Representative to the Traffic Safety Committee*

Gartenstein said that the Board was asked to make appointments to three committees.

**MOTION BY DAVID GARTENSTEIN TO NOMINATE :
TIMOTHY MACIEL TO A FOUR YEAR SEAT ON THE CONSERVATION COMMISSION;
BETHANY RANQUIST TO A THREE YEAR SEAT ON THE RECREATION & PARKS BOARD; AND
LEO SCHIFF TO A TWO YEAR SEAT ON THE TRAFFIC SAFETY COMMITTEE.
MOTION CARRIED 5-0.**

There was no further business.

MOTION BY RICHARD DEGRAY TO ADJOURN AT 7:37PM. MOTION CARRIED 5-0.

David Schoales, Clerk