

**BRATTLEBORO SELECTBOARD
TUESDAY, SEPTEMBER 15, 2020
REGULAR MEETING – 6:15PM
HELD REMOTELY USING ZOOM
MINUTES**

NOTE: Due to the ongoing social distancing requirements of COVID-19, this meeting was held remotely with no physical location using Zoom.

Selectboard members in attendance: Tim Wessel, Elizabeth McLoughlin, Ian Goodnow, Daniel Quipp, and Brandie Starr.

Staff participating: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Highway/Utilities Superintendent Dan Tyler, Planning Director Sue Fillion, and Executive Secretary Jan Anderson.

Others participating: Joseph Runge, Gary Stroud, Paul Tokmakian, Wichie Artu, Chris Hart, Christine Hazzard, Shea Witzberger, John Ungerleider, Emily Megas-Russell, ASL interpreters Elizabeth Fox and Janet Dickinson, and BCTV staff and volunteers.

Chair Tim Wessel called the meeting to order at 6:20pm. He confirmed that the meeting was properly warned.

APPROVE MINUTES

Chair Wessel asked the Board to approve the minutes of August 18, 2020. There was no discussion.

MOTION BY IAN GOODNOW TO APPROVE THE MINUTES OF AUGUST 18, 2020. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Wessel commented on the long and successful Representative Town Meeting (RTM) that took place on Saturday, September 12. He congratulated staff and RTM members for their continued participation. He mentioned that the Board had its organizational meeting last evening and said that he had the honor of being re-elected Chair of the Selectboard. He noted his commitment to serve all residents of the town equally and to keep the Board focused on the business at hand. He said that in order to maintain efficiency on deliberations, he would limit the number and duration of personal sidebar agendas and commentaries, and would more strictly enforce that public comments be limited to two minutes and be on-point. He added a quote from Star Trek where "the needs of the many outweigh the needs of the few, or the one."

MANAGER'S COMMENTS

Town Manager Elwell agreed with Wessel that Representative Town Meeting had been a success. He particularly thanked Assistant Town Manager Patrick Moreland for the tremendous effort that he gave in order to set up the meeting so it was secure and that voting integrity was maintained, as well as being accessible to the public. He said that the special protections that were initiated on Zoom made it hard for many Town Meeting Members to access the meeting, so Moreland reached out and had one-on-one communications with most of the RTM members to assist them in accessing the meeting. On another matter, Elwell announced that the skatepark was nearly finished, and that a dedication and ribbon-cutting ceremony was scheduled on Saturday, October 3, at 11:00am. He said that members of the public were invited to attend.

SELECTBOARD COMMENTS

Quipp noted that Police Chief Michael Fitzgerald recently announced his retirement, which would become effective at the end of year. Quipp thanked Fitzgerald for his service to the Town of Brattleboro, and

suggested that further acknowledgments of his work would be announced as they were arranged. He wished Chief Fitzgerald well.

Goodnow also acknowledged Chief Fitzgerald's retirement announcement. Additionally, he thanked Patrick Moreland and town staff for the successful Representative Town Meeting. He said that it was the first on-line town meeting in Vermont's history.

McLoughlin added salutations to Town Moderator Lawrin Crispe who, she said, did a great job at Representative Town Meeting.

Starr added her thanks to Chief Fitzgerald. She spoke of her past work with him and with other police officers from the Department who were "good and caring humans." She said that filling his shoes would be a challenge. She said that she was apprehensive and appreciative.

PUBLIC PARTICIPATION

Joseph Runge, from Newfane, spoke of concerns about some stores and businesses adhering to the requirement for wearing face masks. He said that he could not wear a mask because of medical reasons. He said that he recently was not allowed into a waiting room at a car dealership because he did not wear a mask. He said that was discrimination against him due to a disability, and stated he was concerned that he would be arrested for not wearing a mask. Elwell responded that the Selectboard's Resolution did not contain an enforcement mechanism and that police would become involved only when disputes arose. He added that the State's Order contained an enforcement mechanism.

Gary Stroud complimented the Selectboard and Assistant Town Manager Patrick Moreland on the successful thirteen hour RTM on Saturday. He asked what next year's RTM may look like and what improvements could be made to it. There was a brief discussion by the Board.

LIQUOR COMMISSIONERS

MOTION BY DANIEL QUIPP TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

First Class Liquor License – Grand Idea LLC, d/b/a Inn on Putney Road. Elwell said that the Board was asked to approve a First Class Liquor License for Grand Idea LLC, d/b/a Inn on Putney Road, located at 192 Putney Road. Paul Tokmakian, co-owner of the inn, discussed the business and his intentions to serve beer and wine to guests and at small events that may be scheduled. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR GRAND IDEA LLC, D/BA INN ON PUTNEY ROAD, LOCATED AT 192 PUTNEY ROAD. MOTION CARRIED 5-0.

MOTION BY DANIEL QUIPP TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

WATER AND SEWER COMMISSIONERS

MOTION BY BRANDIE STARR TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

Pleasant Valley Water Treatment Waste Process Line Project – Award Bid for Pipe & Fittings. Highway/Utilities Superintendent Dan Tyler said that the Board was asked to award a bid to FW Webb, of Rutland, Vermont, in the amount of \$31,211.14 for pipe and fittings for the Pleasant Valley Water Treatment Waste Process Line Project. He said that three bids were received and F.W. Webb submitted the lowest bid, as set forth in the memo dated September 2, 2020, from Public Works Director Steve Barrett. Tyler spoke

briefly about the project and the bids. There was a short discussion.

MOTION BY BRANDIE STARR TO AWARD A BID FOR PIPE AND FITTINGS FOR THE PLEASANT VALLEY WATER TREATMENT WASTE PROCESS LINE PROJECT TO F.W. WEBB IN THE AMOUNT OF \$31,211.14. MOTION CARRIED 5-0.

Wastewater Treatment Plant Tank Cover Project – Award Bid for Bid and Construction Engineering Services. Highway/Utilities Superintendent Tyler said that the Board was asked to approve a contract with Aldrich & Elliot Group in the amount of \$15,200 for engineering construction services related to the Wastewater Treatment Plant Tank Cover Project. He said that during the construction phase, the engineers would observe and record all work performed by the contractor, review pay requests, certify work had been completed as designed, and prepare record drawings for the cover project, as set forth in the memo dated September 9, 2020 from Public Works Director Steve Barrett. There was a brief discussion by the Board.

MOTION BY IAN GOODNOW TO APPROVE A CONTRACT WITH ALDRICH & ELLIOT GROUP IN THE AMOUNT OF \$15,200 FOR ENGINEERING SERVICES RELATED TO THE WASTEWATER TREATMENT PLANT TANK COVER PROJECT. MOTION CARRIED 5-0.

MOTION BY BRANDIE STARR TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

NEW BUSINESS

Municipal Planning Grant Application – Housing Needs Analysis and Plan. Planning Director Sue Fillion said that the Board was asked to approve the Planning Department/Planning Commission's application for a \$22,000 2021 Municipal Planning Grant from the Vermont Agency of Commerce and Community Development to pay for a consultant to develop a Housing Action Plan for the Town. She said that the intent was to create a full spectrum and comprehensive Housing Plan that addressed the Town's needs, identified opportunities, and developed strategies while maintaining an equity lens throughout, as set forth in her memo dated September 4, 2020. She said that the project would cost just under \$25,000 and the additional funds would be supplemented from the Planning Department's budget. Joseph Runge asked for more details about the project. Wichie Artu spoke in support of the project. There was a brief discussion by the Board.

MOTION BY DANIEL QUIPP TO APPROVE THE PLANNING DEPARTMENT'S APPLICATION FOR A \$22,000 2021 MUNICIPAL PLANNING GRANT FROM THE VERMONT AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT TO PAY FOR A CONSULTANT TO DEVELOP A HOUSING ACTION PLAN FOR THE TOWN, AND TO ADOPT THE FY21 MUNICIPAL RESOLUTION FOR MUNICIPAL PLANNING GRANT. MOTION CARRIED 5-0.

Association of Vermont Conservation Commissions Tiny Grant for the West River Trail – Accept and Appropriate. Planning Director Sue Fillion said that the Board was asked to accept and appropriate the 2020 Tiny Grant in the amount of \$480 from the Association of Vermont Conservation Commission for the creation of an interpretive trail loop on the Riverstone Preserve on the West River Trail. She spoke about the plans for the trail. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO ACCEPT AND APPROPRIATE A 2020 TINY GRANT IN THE AMOUNT OF \$480 FROM THE ASSOCIATION OF VERMONT CONSERVATION COMMISSIONS FOR THE CREATION OF AN INTERPRETIVE TRAIL LOOP ON THE RIVERSTONE PRESERVE ON THE WEST RIVER TRAIL. MOTION CARRIED 5-0.

Vermont Community Development Program (VCDP) Grant Application for Brattleboro Housing Authority – Public Hearing, COVID-19 Cost Recovery. Assistant Town Manager Patrick Moreland said that the Board was asked to hold a public hearing and to authorize the submission of an application to the Vermont

Community Development Program (VCDP) for an Implementation Grant for the Brattleboro Housing Authority (BHA) in the amount of \$42,722 for COVID-19 related expenses. He said that BHA was applying for the grant to cover expenses already incurred in response to the COVID-19 pandemic, as set forth in his memo dated September 9, 2020. He spoke about BHA's ability to participate in the grant process.

Chair Wessel opened the public hearing.

Christine Hazzard, Executive Director of Brattleboro Housing Authority, said that the funds had already been spent on COVID-related matters, and BHA was now seeking reimbursement for those expenses. She said that funds were expended in maintenance overtime expenses, hazard pay for maintenance providers, and support staff who contacted residents almost daily from March until July. She said that maintenance staff had disinfected seven buildings once or twice a day, and employees had been moved to remote locations which resulted in substantial technology expenses. She said that part-time nurses were brought in and extra nursing hours were added for the Support and Services at Home Program. She added that laundry operations were offered free to the residents from March through July.

Chris Hart, Development Director of Brattleboro Housing Authority, added that BHA applied to FEMA for funds, but were disapproved for 53% of the money requested. She said that BHA was approved for only \$600 out of a \$17,000 request. She said that BHA had an appeal pending for \$7,000, and none of those monies were included in this VCDP application. She said that she looked into other State and Federal resources and found this was the only funding available.

Joseph Runge asked for a clarification of affordable housing. Christine Hazzard invited him to contact BHA directly to get answers to his questions. She said that rents were based on a HUD subsidy which was based on 30% of a person's income. Chris Hart said that the numbers in the grant application were as follows: Of BHA's 446 residents, 329 had incomes lower than \$16,000 per year. She said that BHA housed extremely low income people, and that 74% of the residents were at 30% of median income or below.

Wessel closed the public hearing.

Wessel commented that this was an appropriate use of VCDP funds. Goodnow questioned whether the funds were actually VCDP funds. Elwell stated that the funds originated in the federal CARES Act originating as part of the Community Development Block Grant Program, but were being administered through the State in accordance with the same rules under which VCDP operated. There was no further discussion.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE THE SUBMISSION OF AN APPLICATION TO THE VERMONT COMMUNITY DEVELOPMENT PROGRAM FOR AN IMPLEMENTATION GRANT FOR THE BRATTLEBORO HOUSING AUTHORITY IN THE AMOUNT OF \$42,722 FOR COVID-19 RELATED EXPENSES, AND TO ADOPT THE RESOLUTION FROM THE VERMONT COMMUNITY DEVELOPMENT PROGRAM FOR THE IMPLEMENTATION GRANT APPLICATION FOR THE BRATTLEBORO HOUSING AUTHORITY. MOTION CARRIED 5-0.

FY21 Winter Fuel Oil – Award Bid. Elwell said that the Board was asked to award the bid for FY21 heating fuel oil to Barrows & Fisher Oil, of Brattleboro, for 70,000 gallons of No. 2 heating fuel oil at a prepaid price of \$1.259 per gallon. He said that six bids were received and Barrows & Fisher Oil was the low bidder, as set forth in the memo dated September 1, 2020 from Finance Director Andre Jaeger. He noted that the Town was making adjustments to move away from fossil fuel. Joseph Runge spoke about global warming variables. There was some discussion by the Board.

MOTION BY IAN GOODNOW TO AWARD THE BID FOR FY21 HEATING FUEL OIL TO BARROWS & FISHER OIL FOR 70,000 GALLONS OF NO. 2 HEATING FUEL OIL AT A PREPAID PRICE OF \$1.259 PER GALLON. MOTION CARRIED 5-0.

Salt Shed – Award Bid. Highway/Utilities Superintendent Tyler said that the Board was asked to award a bid to Iron Horse Structures of North Conway, New Hampshire, in the base amount of \$43,250 for the replacement of the salt shed at the Department of Public Works. He said that the salt shed was built in the early 1900s and was the last structure remaining from the former fairgrounds. He stated that it had been deteriorating for many years and was deemed unsafe, so the building was demolished earlier this year, as set forth in his memo dated September 10. He said the new structure would be a fabric top over steel structure located on a block foundation. He said that the RFP asked for a bid for the structure and for an alternate bid to provide a foundation. He said that Public Works was investigating options and alternatives for the foundation. He said that if DPW could not find a more cost effective option, Iron Horse Structures provided an alternate bid of \$37,500 for the foundation and the Town could utilize those services. He said that the Board was asked to authorize the expenditure of an amount not to exceed \$37,500 for the installation of a block foundation at the new structure. He said this was an unbudgeted expense and suggested taking the funds from the Capital Funds and then asking Representative Town Meeting to ratify the expenditure next year. Elwell spoke about a past project where funds needed to be spent on an emergency basis that then was given to RTM for ratification. He also spoke about the deteriorated condition and health hazard posed by the salt shed and its need for immediate replacement. There was some discussion by the Board.

MOTION BY BRANDIE STARR TO AWARD A BID TO IRON HORSE STRUCTURES IN THE BASE AMOUNT OF \$43,250 FOR THE REPLACEMENT OF THE SALT SHED AT THE DEPARTMENT OF PUBLIC WORKS, AND TO AUTHORIZE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$37,500 FOR THE CONSTRUCTION OF A BLOCK FOUNDATION FOR THE NEW STRUCTURE. MOTION CARRIED 5-0.

Wessel called for a recess at 7:51pm. He reconvened the meeting at 8:05pm.

Community Safety Review

- (i) *Select Facilitator (or “Finalists” for Facilitator)*
- (ii) *Determine Number of and Compensation for Committee Members*

(i) *Select Facilitator (or “Finalists” for Facilitator)* - Elwell said that the Board was asked to select a facilitator for the Community Safety Review Committee process. He said that four proposals had been received ranging from \$10,000 to \$175,000, plus another proposal had been received from someone offering to provide services that would run alongside the facilitator’s work, such as research or other aspects that may be integrated into the facilitator’s work.

There was substantial discussion about the proposals and the differing aspects of each. Board members agreed that the proposal from Emily Megas-Russell and Shea Witzberger, for a cost of \$32,350, included important local factors specific to Brattleboro, as well as local facilitators known to the community. There was further discussion about some of the costs imbedded within the proposal that still needed discussion and decisions, particularly a stipend to the committee members. There was also much discussion about the collaborative proposal submitted by John Ungerleider. Shea Witzberger spoke about the Megas-Russell/ Witzberger (MRW) proposal and suggested that certain financial implications in the proposal were open for discussion (such as stipends), but suggested not making substantial changes to it. She said that in the proposal, they envisioned the committee size to be 9 members with a stipend of \$950 each. She suggested that the stipend amount could be amended by the Board, but asked that equity be maintained. She clarified that it would be paid separately and directly to the committee members by the Town. She said that she had a separate discussion with John Ungerleider about his suggested collaborative proposal, which contained some aspects included in their proposal and differed from their proposal in other significant areas. She said the Ungerleider proposal could be used as a phase 2 to this project. Elwell confirmed that some of the financial elements in the MRW proposal could be altered by the Selectboard, including stipends and accessibility supports. John Ungerleider spoke of his proposal and said it was meant to be supportive of the committee process. He said he could add a broad range of

community input, provide online research, and arrange a working group of service professionals. Emily Megas-Russell spoke about the MRW proposal. She noted that the facilitation team included participation from the BIPCO and LGBTQIA+ community, as well as other marginalized community members. She said they were open to collaboration, but did not support merging the MRW proposal with the Ungerleider proposal. She suggested that the Ungerleider proposal could be supportive of a phase 2 aspect of the project. She added that the MRW budget could be increased to allow for more co-facilitation to be included as they determined necessary. There was substantial additional discussion by the Board.

MOTION BY DANIEL QUIPP TO ACCEPT THE COMMUNITY SAFETY REVIEW FACILITATION PROPOSAL FROM EMILY MEGAS-RUSSELL AND SHEA WITZBERGER. MOTION CARRIED 5-0.

The Board further discussed whether to increase the project budget at this time to allow additional funding for co-collaboration, or whether to suggest that the facilitators return to the Board to seek additional funding if they found it necessary. Elwell confirmed that the Board could wait for a specific request from the facilitators or authorize additional funds at this time. He added that the Board could authorize increasing fees to be paid to facilitators and incidental costs in an amount not to exceed \$40,000, which would allow funding within the budget for the effort sufficient to cover the costs that Ungerleider had estimated. That would allow the facilitators to decide when/how to call on that resource, He also discussed the earlier proposal to amend the stipend amount for the committee members.

MOTION BY ELIZABETH McLOUGHLIN TO INCREASE THE CEILING FOR THE FACILITATOR CONTRACT TO \$40,000 SO THAT THEY HAVE THE FLEXIBILITY TO HAVE INCIDENTAL COLLABORATION SERVICES AS NEEDED. MOTION CARRIED 5-0.

(ii) Determine Number of and Compensation for Committee Members - Wessel said that the Board was asked to determine the number of members for the Community Safety Review Committee and the compensation for those committee members. There was much discussion by the Board and each member provided their opinions on the size of the committee and amount to be offered. The suggested stipend amounts ranged from \$250 to \$950 per person. Goodnow provided a calculation that estimated a certain number of hours per week at \$15 per hour, which rounded to \$750 per person. McLoughlin commented that providing stipends to this committee was a rare exception to the usual method of business in Brattleboro. She cautioned about setting a precedence for the Town that was unworkable for the future. Quipp suggested that the committee members be offered an opportunity to accept or deny payment of the stipend. Wessel stated that he would not support spending more than \$3,500 for the committee stipend.

MOTION BY IAN GOODNOW TO ESTABLISH A COMMITTEE OF 9 MEMBERS AND TO OFFER TO EACH COMMITTEE MEMBER A STIPEND OF UP TO \$750 TO BE PAID IN THE AMOUNT THAT THE MEMBER DETERMINES. MOTION CARRIED 4-1 (WESSEL OPPOSED).

Committee Appointment – Starr said that the Board was asked to appoint Art Miess to the Conservation Commission. There was no discussion by the Board.

BRANDIE STARR NOMINATED ART “FHAR” MIESS FOR APPOINTMENT TO THE CONSERVATION COMMISSION. NOMINATION CARRIED 5-0.

There was no further business.

MOTION BY BRANDIE STARR TO ADJOURN AT 9:39PM. MOTION CARRIED 5-0.

Ian Goodnow, Clerk