

**BRATTLEBORO SELECTBOARD
TUESDAY, OCTOBER 15, 2019
EXECUTIVE SESSION – 4:30PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

Selectboard members present: Tim Wessel, Elizabeth McLoughlin, David Schoales, Daniel Quipp, and Brandie Starr (for executive session only).

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Legal Counsel Brian Monaghan (for executive session only), Public Works Director Steve Barrett, Finance Director John O'Connor, Planning Technician Andrew Graminski, and Executive Secretary Jan Anderson.

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

Others present: Nick Nickerson, Mary Stowe, Rikki Risatti, Dale Joy, Tim Maciel, Bob Spencer, Michelle Cherrier, Derrik Jordan, Franz Reichsman, Dan Foster, Donald Saaf, ASL interpreters Elizabeth Fox and Karen Todd, and others who did not sign the attendance sheet.

Acting Chair Tim Wessel called the meeting to order at 4:30pm. He confirmed that the meeting was properly warned.

MOTION BY TIM WESSEL TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, PENDING OR PROBABLE CIVIL LITIGATION OR A PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, AND THE APPOINTMENT OR EMPLOYMENT OR EVALUATION 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. INVITED INTO THE SESSION WERE THE TOWN MANAGER, ASSISTANT TOWN MANAGER (FOR A PORTION), TOWN ATTORNEY, AND ATTORNEY BRIAN MONAGHAN (FOR A PORTION). MOTION CARRIED 4-0 (STARR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Acting Chair Wessel reconvened the meeting at 6:23pm.

APPROVE MINUTES

Wessel asked the Board to approve the minutes from the October 1, 2019 meeting. There was no discussion.

MOTION BY DAVE SCHOALES TO APPROVE THE MINUTES FROM THE OCTOBER 1, 2019 MEETING. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Wessel congratulated the Brattleboro Colonels and Football Coach Pacheco for a winning record of 7-0.

MANAGER'S COMMENTS

Town Manager Elwell noted that the Selectboard would not hold a special meeting later this month as previously anticipated. He also announced that curbside leaf collections were scheduled on Friday, October 25 and November 8. He asked residents to use brown paper leaf bags and have the bags at the curb by 7:00am on those dates.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

Tim Maciel congratulated the Brattleboro Colonels football team for their 7-0 record and he remarked that all of the games were played on natural grass. He reminded members of the community about the Special School Board meeting scheduled on Wednesday (October 16) at 6:00pm at the Dummerston School. He said that a proposal to install artificial turf at the Brattleboro High School for a cost of \$1.1 million would be discussed at that meeting.

Dale Joy shared her opinion that the community should be alerted about four recent Fentanyl deaths that occurred in a one week period. She spoke about her son's death and said that she did not see any publicity about it. She said that she spoke with someone at the State level and the Town Health Officer about publicizing the risks of Fentanyl.

UNFINISHED BUSINESS

Municipal Broadband – Additional Research Results + Consideration of Potential Future Actions. Wessel said that the Board discussed the possibility of municipal broadband at its October 1 meeting and had asked staff to bring additional information to this meeting. Assistant Town Manager Patrick Moreland discussed in detail some possible goals and next steps, as set forth in his memo dated October 19, 2019. He said that staff suggested participation in regional discussions about the creation of a Communications Union District (CUD) that were being implemented by the Windham Regional Commission. There was much discussion by the Board. Members of the audience - Tim Maciel, Dan Foster, Dale Joy, Franz Reichsman, Donald Saaf, Derrik Jordan, and Rikki Risatti - provided their comments and opinions on the matter. The Board suggested gathering more information from residents, hearing about efforts at the State level, and engage in discussions about the formation of a CUD, and to bring the matter for discussion at a future meeting. Schoales offered to contact regional towns who had installed municipal fiber and ask representatives from those towns to speak with the Selectboard and discuss their experiences. Elwell concluded that staff would stay engaged in discussions about the formation of a CUD.

NO ACTION TAKEN.

NEW BUSINESS

Authorization for Town to Join in Multi-Jurisdictional Opioids Litigation – Town Attorney. Town Attorney Robert Fisher said that the Board was asked to determine whether to authorize the joinder of a federal case filed on behalf of the Town of Bennington to recover costs and damages from manufacturers, distributors, pharmacies, and pharmacy benefit managers who had allegedly created much of the opioid epidemic and profited from the sale of opioids. He spoke in detail about the information contained in his memo dated October 10, 2019, and the 173-page Complaint by the Town of Bennington that was contained in the Board's notebooks. He said that if the Board chose to join in the suit, it would need to determine who would be included as defendants, such as all pharmacies or just national brand pharmacies and whether to include doctors. He said that the Bennington suit did not include local pharmacies or doctors. Dale Joy and Rikki Risatti provided their comments and opinions. Franz Reichsman spoke of his 30 year career as an emergency room physician and the many prescriptions that he had written over the years. He stated that he did not profit from prescribing any medicine. He noted that some doctors had been involved in the crisis and they should be prosecuted to the extent of the law; however, he stated that the substantial number of doctors acted in good faith. After substantial discussion, the Board asked Attorney Fisher for answers to several questions before determining how to proceed, including local pharmacies' incentives to move certain drugs over others, responsibilities of doctors, and why Bennington chose not to include local doctors. Fisher said that he would also ask the litigation attorneys how damages would be allocated between various towns if the suit was successful. Elwell said that the matter would be added to the next agenda for further discussion.

NO ACTION TAKEN.

Update from the Windham Solid Waste Management District – Michelle Cherrier, WSWMD Chair, and Bob Spencer, WSWMD Executive Director. Michelle Cherrier, Windham Solid Waste Management District Chair, spoke about WSWMD's efforts to divert waste into something useful through the commercial compost program. Bob Spencer, WSWMD Executive Director, provided a handout to the Board and spoke about the operations of the WSWMD, including member assessments, recycling, composting, its solar array, hazardous waste collections, and other business outreach efforts. Rikki Risatti inquired about composting requirements for apartment buildings containing 5 or more units. There was some discussion by the Board, including about renewable energy credits.

NO ACTION TAKEN.

Financial Report – Monthly Report, September. Finance Director John O'Connor presented the financial report for September, 2019. Wessel noted that O'Connor was approaching his retirement date and thanked him for his years of service to the Town.

NO ACTION TAKEN.

Resolutions Regarding Authority for Wire Transfers – Elwell said that with the upcoming retirement of Finance Director John O'Connor, the Board was asked to approve a resolution to authorize other staff members to effectuate wire transfers when necessary, as set forth in the memo from O'Connor, dated September 30, 2019. There was no discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE RESOLUTION LANGUAGE PROVIDED BY COMMUNITY BANK NATIONAL ASSOCIATION AUTHORIZING SPECIFIC TOWN EMPLOYEES TO INITIATE AND APPROVE WIRE TRANSFERS, AS PRESENTED. MOTION CARRIED 4-0.

Employee Health Insurance Program - Renewal for Calendar Year 2020. Elwell said that the Board was asked to approve the renewal of the Town's Employee Health Insurance Program for calendar year 2020 with Blue Cross Blue Shield, in compliance with the applicable collective bargaining agreements and other prior decisions of the Selectboard, as set forth in his memo dated October 10, 2019. He spoke about the increase of 8.7% that was reached through negotiations with BCBS by The Richards Group on the Town's behalf and an agreement with Town employees to begin sharing the cost of health insurance premiums. There was some discussion by the Board, including the increasing cost of health insurance and possible collaboration around health care reform.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE RENEWAL OF THE TOWN'S EMPLOYEE HEALTH INSURANCE PROGRAM FOR CALENDAR YEAR 2020, AS PRESENTED. MOTION CARRIED 4-0.

Award Bids –

- (i) *Winter Sand*
- (ii) *Winter Road Salt*

Public Works Director Steve Barrett said that the Board was asked to award bids for winter sand and road salt, as set forth in the memo dated October 8, 2019, from Highway/Utilities Superintendent Dan Tyler. He said that staff recommended awarding the sand bid to low bidder Zaluzny Excavating of Vernon, Vermont, in the amount of \$10.40 per cubic yard delivered, and the road salt bid to Apalachee Salt, of Rochester, New York, in the amount of \$76.00 per ton. Rikki Risatti asked about the environmental impact of road salt. There was a brief discussion by the Board.

MOTION BY DANIEL QUIPP TO AWARD THE BID FOR WINTER SAND TO ZALUZY EXCAVATING OF VERNON, VERMONT, IN THE AMOUNT OF \$10.40 PER CUBIC YARD DELIVERED, AND TO AWARD THE BID FOR WINTER ROAD SALT TO APALACHEE SALT, OF ROCHESTER, NEW YORK, IN THE AMOUNT OF \$76.00 PER TON (PER APALACHEE SALT'S CONTRACT WITH THE STATE OF VERMONT). MOTION CARRIED 4-0.

Bulletproof Vest Partnership Grant – Accept and Appropriate. Elwell said that the Board was asked to accept and appropriate the Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance in the amount of \$2,517.16 to purchase bulletproof vests for the Police Department. He warned about a phone scam that was circulating that requested donations for bulletproof vests, and he clarified that any donations made as a result of those calls do not benefit the Brattleboro Police Department. Rikki Risatti suggested providing funds for protective equipment rather than funding firearms. There was no discussion by the Board.

MOTION BY DAVE SCHOALES TO ACCEPT AND APPROPRIATE THE BULLETPROOF VEST PARTNERSHIP GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE IN THE AMOUNT OF \$2,517.16. MOTION CARRIED 4-0.

Selectboard Goals – Quarterly Review. Due to the late hour of the meeting, the Board did not review in detail the progress made in implementing the Selectboard's annual goals. Quipp asked for a report from Town Manager Elwell about the self-governance and hub coalition discussion that recently took place at the VLCT-sponsored Town Fair and facilitated by Elwell. Schoales suggested developing testimony for legislators about the importance of self-governance and requested a more detailed list of meetings and projects around the topic of diversity and inclusion. McLoughlin spoke about the Planning Department's Downtown Plan and recent events and initiatives being discussed around the creative use of downtown space. Wessel proposed holding a discussion to change the seasonal shelter into a year-round shelter. McLoughlin offered to speak with local legislators about funds for a year-round shelter. Quipp asked for clearer information about opioid incidences.

NO ACTION TAKEN.

Committee Appointment – Elwell said that the Board was asked to appoint Prudence MacKinney to the Planning Commission. There was a brief discussion.

DANIEL QUIPP NOMINATED PRUDENCE MacKINNEY TO THE PLANNING COMMISSION. NOMINATION CARRIED 4-0.

There was no further business.

MOTION BY ELIZABETH McLOUGHLIN TO ADJOURN AT 9:35PM. MOTION CARRIED 4-0.

Elizabeth McLoughlin, Clerk