

**BRATTLEBORO SELECTBOARD
TUESDAY, OCTOBER 18, 2016
EXECUTIVE SESSION – 5:45PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Fire Chief Mike Bucossi, Assistant Fire Chief Len Howard, Police Captain Mark Carignan, Grants/Loans Manager Kim Ellison, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer, Tim Johnson representing WTSA, and BCTV staff and volunteers.

Others present: Ray Giolitto, John Scheib, Nancy Barber, William Isch, Steve Horton, Hilary Francis, Eli Gould, Michael Bosworth, ASL interpreters Janet Dickinson and Karen Todd, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:45pm. He confirmed that the meeting was officially warned.

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

Gartenstein reconvened the business meeting at 6:20pm.

APPROVE MINUTES

MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM OCTOBER 4, 2016 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein acknowledged the passing of James Banslaben on October 9, who was a volunteer at BCTV and generally interested in Town operations. He said that James was very special to many people in the community and that he had a kind and gentle heart. He said that James found support in his community and ended almost every conversation with "Have a great Vermont day." He offered a moment of silence. Kate O'Connor, Executive Director of the "Chamber of Congress" as James called it, said he was a daily visitor at the Chamber, an ambassador in town who was helpful to visitors, and was always complimentary. She said he touched her heart and many other lives, and that she would fondly remember the many "James stories." DeGray noted that he knew James for seven or eight years and probably knew him better than most people because of his work with DeGray on the downtown flower project. He said that James stopped regularly in his wife's downtown store, that he regularly complimented strangers, and inspired many genuine smiles from them. He said that James was a kind and wonderful man, was extremely helpful, always spoke with passersby, never spoke ill of anyone, and made people feel better about themselves. DeGray said that James changed his life and he was a better person for knowing James. He offered another moment of silence. Schoales said that he also would miss James and said that he had something different than most people. Allen agreed that James would be sorely missed. He said that James was an intelligent man and remembered that James once referred to Allen as a "super genius."

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Gartenstein said that he and other Board members had the opportunity to tour the new I-91 bridge. He spoke briefly about the construction of it and said that it was expected that two northbound lanes of traffic would open on March 15, 2017, and the entire four lanes would be complete in mid-June, 2017. Allen also toured the I-91 Bridge and spoke briefly of how impressive it was.

Schoales said that the Windham Solid Waste Management District (WSWMD) Board and Finance Committee were circulating two budget proposals to member towns and that he expected the matter to be discussed by the Selectboard at a meeting in November.

PUBLIC PARTICIPATION

None.

**UNFINISHED BUSINESS and
WATER AND SEWER COMMISSIONERS**

Abatement of Interest and Penalties for Late Utility Bills (from 10/4/16 meeting). Elwell said that at the October 4 Selectboard meeting, the Board discussed abatement of interest and penalty on six utility bills that were appealed due to confusion over the due date because of the extension of the tax bill due date but not the utility bill due date. He discussed the memo from Assistant Treasurer Debbie Desrosiers, dated September 29, regarding the number of other utility bills that were paid late and the number that were paid on time. He said that the Board was asked whether to grant the six appeals and whether penalties and interest on other accounts that were paid late should be credited or refunded. Executive Secretary Anderson suggested that although the matter was "unfinished business," the Board may want to convene as Water and Sewer Commissioners.

**MOTION BY DAVID SCHOALES TO CONVENE AS WATER AND SEWER COMMISSIONERS.
MOTION CARRIED 5-0.**

There was much discussion by the Board about the number of people who paid late this quarter presumably because of the confusion about the due date, those who consistently pay late, and the overwhelming number who paid this quarter's bill on-time. DeGray spoke in support of crediting interest and penalties to the 390 accounts that were paid after the August 15 deadline and before the September 15 tax bill deadline. Gartenstein, Allen, and O'Connor spoke in opposition to granting the appeals and in opposition of crediting interest and penalties on others who paid late.

**MOTION BY DAVID GARTENSTEIN TO GRANT THE APPEALS FILED BY PHYLLIS BENAY,
CYNTHIA PEARSON, GERALD THEBERGE, AND JANE AND DAVID INGALLS SEEKING TO
CHALLENGE PENALTIES AND INTEREST ON SIX ACCOUNTS. MOTION FAILED 1-4
(GARTENSTEIN, O'CONNOR, ALLEN, AND SCHOALES OPPOSED).**

**MOTION BY RICHARD DEGRAY TO CREDIT THE 390 LATE PAYMENTS FROM AUGUST 15 TO
SEPTEMBER 15 TO BE GIVEN ON THE FEBRUARY BILL, AND NOT A REFUND CHECK. MOTION
FAILED 1-4 (GARTENSTEIN, O'CONNOR, ALLEN, AND SCHOALES OPPOSED).**

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

Police-Fire Facilities Project Update

- (i) *General Update*
- (ii) *Proposed Removal of Flashing Yellow Light on Western Avenue Near South Street*
- (iii) *Guaranteed Maximum Price for Central Fire Station Construction*
- (iv) *Construction Plans for Police Station.*

General Update and Proposed Removal of Flashing Yellow Light on Western Avenue Near South Street. Elwell provided a brief update on the status of construction at the West Brattleboro Fire Station. He said no issues of significance needed to be addressed by the Selectboard. He noted that the continuous flashing yellow light that hung above Western Avenue near South Street had to be resituated due to the construction at the Fire Station, and he suggested that the Board consider removal of the light since it was outdated technology. He noted that it was not a cost consideration. He said that removal of the light was discussed at Traffic Safety Committee and although the Committee did not formally vote on the matter, the general consensus was in support of removing the light. Schoales noted that the area was a very busy section and any device that brought awareness to that intersection was beneficial. Nancy Barber, a West Brattleboro resident, noted that the intersection below the light was very busy, that all prompts to slow traffic down should be continued and that the crosswalk provided access to the bus stop on the other side of the street. Michael Bosworth, of West Brattleboro, spoke against lessening the safety at the crosswalk and about installing other technology if the light was removed. There was much discussion by the Board about removal of the light and installation of other safety devices.

MOTION BY JOHN ALLEN TO DISCONTINUE THE FLASHING YELLOW LIGHT IN WEST BRATTLEBORO [THAT HANGS ABOVE WESTERN AVENUE NEAR SOUTH STREET]. MOTION FAILED 1-4 (GARTENSTEIN, O’CONNOR, SCHOALES, AND DEGRAY OPPOSED).

Guaranteed Maximum Price for Central Fire Station Construction. Elwell then spoke about the guaranteed maximum price contract of \$5,120,170 for construction of the Central Fire Station. He said that cost was approximately \$106,000 below the budget previously approved. He noted that Police-Fire Facilities Building Committee reviewed the contract at its meeting last week and unanimously approved it. There was some discussion by the Board. Steve Horton, Owner’s Project Manager, answered questions posed by the Board.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE GUARANTEED MAXIMUM PRICE OF \$5,120,170 FOR RENOVATION AND NEW CONSTRUCTION AT THE CENTRAL FIRE STATION, IN ACCORDANCE WITH THE GUARANTEED MAXIMUM PRICE DOCUMENT DATED OCTOBER 12, 2016, FROM DEW CONSTRUCTION CORP. MOTION CARRIED 5-0.

Construction Plans for Police Station. Elwell introduced Ray Giolitto and John Scheib, from Northeast Collaborative Architects. He said that the plans were reviewed and approved by the Police-Fire Facilities Building Committee at its meeting on October 12. Giolitto presented and discussed the construction plans for the Police Station. Michael Bosworth asked that the Board consider adding solar arrays on the building or in the parking lot. There was much discussion and many questions by the Board.

MOTION BY RICHARD DEGRAY TO APPROVE THE CONSTRUCTION PLANS FOR THE POLICE STATION AND TO AUTHORIZE DEW CONSTRUCTION CORP. TO COMMENCE COMPETITIVE BIDDING FOR SUBCONTRACTED SERVICES. MOTION CARRIED 5-0.

NEW BUSINESS

Appointment of New Town Clerk. Elwell reminded the Board that Annette Cappy would retire in December, 2016. He discussed the application and hiring process for the Town Clerk replacement. He announced that Hilary Francis was recommended as the new Town Clerk. He spoke briefly of her qualifications and then introduced her to the Board. He noted that the Board would appoint the Town

Clerk at this time and that her appointment would later be ratified at Representative Town Meeting. Ms. Francis thanked the Board for the opportunity and said that she was looking forward to serving the people of Brattleboro.

MOTION BY DAVID GARTENSTEIN TO APPOINT HILARY FRANCIS AS TOWN CLERK, WITH EMPLOYMENT TO COMMENCE ON NOVEMBER 29, 2016; FULL DUTIES AS TOWN CLERK TO COMMENCE ON DECEMBER 30, 2016; AND TOWN MEETING RATIFICATION TO BE CONSIDERED AT THE REPRESENTATIVE TOWN MEETING ON MARCH 25, 2017. MOTION CARRIED 5-0.

Reappointment of Town Zoning Administrator Brian Bannon as Deputy Health Officer. Elwell said that the Board was asked to recommend to the Vermont Department of Health the reappointment of Town Zoning Administrator Brian Bannon to serve as Deputy Health Officer. There was no discussion by the Board.

MOTION BY KATE O’CONNOR TO RECOMMEND TO THE VERMONT DEPARTMENT OF HEALTH THE REAPPOINTMENT OF BRIAN BANNON AS DEPUTY HEALTH OFFICER. MOTION CARRIED 5-0.

Financial Report – Monthly Report, September. Finance Director John O’Connor presented and discussed the financial report for September. There was a brief discussion by the Board.

NO ACTION TAKEN.

Small Business Assistance Program Loans

- (i) *Abbott Road Property*
- (ii) *O’Bryan Drive Property.*

Elwell said that the Board was asked to approve two separate loans, totaling \$70,000, to support improvements at two properties owned by Ironwood Brands, LLC, as set forth in the memo from Grants Manager Kim Ellison, dated October 7, 2016, and recommended by the Small Business Assistance Program Loan Committee. Eli Gould, from Ironwood Brands, LLC, spoke about his expanding business, plans for the future, and request for the loans. Grants Manager Ellison spoke briefly about improvements that would be made to the property from the loan proceeds. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE A LOAN OF \$25,000 FOR IMPROVEMENTS TO 628 ABBOTT ROAD AT AN INTEREST RATE OF 3% AND IN ACCORDANCE WITH OTHER SPECIFIC TERMS RECOMMENDED BY THE SMALL BUSINESS ASSISTANCE PROGRAM LOAN COMMITTEE, AS SET FORTH IN THE MEMORANDUM DATED OCTOBER 7, 2016, FROM GRANTS MANAGER KIM ELLISON, AND TO APPROVE A LOAN OF \$25,000 FOR IMPROVEMENTS TO 21 O’BRYAN DRIVE AT AN INTEREST RATE OF 3% AND IN ACCORDANCE WITH OTHER SPECIFIC TERMS RECOMMENDED BY THE SMALL BUSINESS ASSISTANCE PROGRAM LOAN COMMITTEE, AS SET FORTH IN THE MEMORANDUM DATED OCTOBER 7, 2016, FROM GRANTS MANAGER KIM ELLISON.

Gartenstein offered a friendly amendment to correct the loan amount on the O’Bryan Drive property to \$45,000. Allen accepted the friendly amendment.

AMENDED MOTION BY JOHN ALLEN TO APPROVE A LOAN OF \$25,000 FOR IMPROVEMENTS TO 628 ABBOTT ROAD AT AN INTEREST RATE OF 3% AND IN ACCORDANCE WITH OTHER SPECIFIC TERMS RECOMMENDED BY THE SMALL BUSINESS ASSISTANCE PROGRAM LOAN COMMITTEE, AS SET FORTH IN THE MEMORANDUM DATED OCTOBER 7, 2016, FROM GRANTS MANAGER KIM ELLISON, AND TO APPROVE A LOAN OF \$45,000 FOR IMPROVEMENTS TO 21

O'BRYAN DRIVE AT AN INTEREST RATE OF 3% AND IN ACCORDANCE WITH OTHER SPECIFIC TERMS RECOMMENDED BY THE SMALL BUSINESS ASSISTANCE PROGRAM LOAN COMMITTEE, AS SET FORTH IN THE MEMORANDUM DATED OCTOBER 7, 2016, FROM GRANTS MANAGER KIM ELLISON. AMENDED MOTION CARRIED 5-0.

Solid Waste – Status Report on Transition to Every-Other-Week Garbage Collection. Gartenstein said that he requested this matter to be added to the agenda in order to review the progress since the transition of trash collection to an every-other-week schedule. Elwell discussed the impact of the 2-year trash, recycling, and composting transition as being very favorable, all as set forth in the memo from Assistant Town Manager Moreland, dated October 13, 2016. There was a brief discussion by the Board.

NO ACTION TAKEN.

Annual Health Insurance Program Renewal, Including Modification of Health Reimbursement Arrangement. Elwell said that the Board was asked to approve a slight modification to the Town's health insurance program for calendar year 2017, as set forth in the memo from Assistant Town Manager Moreland, dated October 13, 2016. He summarized that the proposed modification would increase the deductible and the "HRA layer" in order to achieve additional cost savings for the Town while maintaining the existing health insurance benefits for employees. There was some discussion by the Board.

MOTION BY RICHARD DEGRAY TO APPROVE CHANGES TO THE TOWN'S HEALTH INSURANCE PROGRAM, AS FOLLOWS: (1) INCREASE THE DEDUCTIBLE TO \$3,000 FOR SINGLE COVERAGE AND TO \$6,000 FOR FAMILY COVERAGE, AND (2) ADJUST THE HEALTH REIMBURSEMENT ARRANGEMENT (HRA) TO PAY FOR CLAIMS IN THE SPACE BETWEEN \$1,500 AND \$3,000 FOR SINGLE COVERAGE AND BETWEEN \$3,000 AND \$6,000 FOR FAMILY COVERAGE; BOTH CHANGES TO BE EFFECTIVE WITH THE BEGINNING OF THE NEW PLAN YEAR ON JANUARY 1, 2017. MOTION CARRIED 5-0.

Child Advocacy Center Grant – Police Department. Elwell said that the Board was asked to approve an application for a \$60,000 Special Investigations Unit/Child Advocacy Center grant from the State of Vermont to offset the costs of assigning a Brattleboro Police Department investigator to the SIU to cover cases of child abuse and sexual assault throughout Windham County. Gartenstein disclosed that he was the serious felony prosecutor at the State's Attorney's Office and worked most of the child sexual and abuse cases in this county. As a result, his employment could be perceived as a conflict with this matter so he would recuse himself from the vote. He then spoke in strong support of the grant to support and improve the Child Advocacy Center model and goals. There was some discussion by the Board.

MOTION BY KATE O'CONNOR TO APPROVE THE POLICE DEPARTMENT'S APPLICATION FOR A \$60,000 SPECIAL INVESTIGATIONS UNIT/CHILD ADVOCACY GRANT FROM THE STATE OF VERMONT TO OFFSET THE COSTS OF ASSIGNING A BRATTLEBORO POLICE DEPARTMENT INVESTIGATOR TO THE S.I.U. TO COVER CASES OF CHILD ABUSE AND SEXUAL ASSAULT THROUGHOUT WINDHAM COUNTY. MOTION CARRIED 4-0 (GARTENSTEIN ABSTAINED).

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 8:25PM. MOTION CARRIED 5-0.

David Schoales, Clerk