

**BRATTLEBORO SELECTBOARD
TUESDAY, NOVEMBER 1, 2016
EXECUTIVE SESSION – 5:15PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Fire Chief Mike Bucossi, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Town Assessor Russell Rice, Town Clerk Annette Cappy, Planning Director Rod Francis, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah Tyler, Library Director Starr LaTronica, Recreation & Parks Director Carol Lolatte, and Executive Secretary Jan Anderson.

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

Others present: Michael Boswell, Stewart McDermet, Tim Maciel, Franz Reichsman, Robert Spencer, William Isch, ASL interpreters Elizabeth Fox and Janet Dickinson, 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, LEASING OR SALE OF REAL ESTATE, APPOINTMENT OF A PUBLIC OFFICER OR EMPLOYEE, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, PEOPLE INVOLVED, AND SELECTBOARD AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND ASSISTANT TOWN MANAGER WERE INVITED TO ATTEND. MOTION CARRIED 4-0.

Gartenstein reconvened the business meeting at 6:15pm.

APPROVE MINUTES

MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM OCTOBER 18, 2016, AS PRESENTED. MOTION CARRIED 4-0.

Agenda Adjustment - Gartenstein noted that a matter on the agenda – Arts Committee Proposals for two murals at the Transportation Center and High-Grove parking Lot – was being deferred to the first meeting in December because the artists were not available to attend this meeting.

CHAIR'S REMARKS

Chair Gartenstein reminded voters to vote on November 8 at the VFW located at 40 Black Mountain Road. He said buses would run free that day and would make frequent stops at the VFW. He also noted that residents could still register to vote, and voters could vote early until Monday, November 7 at 5:00pm. Gartenstein also recognized the amount of correspondence that had been received by Selectboard members and the Town Manager's office regarding requests to repair and replace sidewalks. He said that the requests would be discussed during the upcoming budget meetings.

MANAGER'S COMMENTS

Town Manager Elwell announced that the Town's water mains would not be flushed this fall due to the summer drought and the replacement of a 1,000,000 gallon water tank. He said that residents may see a slight discoloration but the water was tested regularly and safe to drink. He said that residents may run the cold tap in their homes to flush the lines at home and to call the Department of Public Works if they had concerns about their water. Elwell announced that the Vermont Transportation Board would hold a

public forum regarding train service, improvements, and possible expansion on November 9 at 6:00pm at the Brattleboro Museum and Art Center. He then congratulated the Brattleboro Police Department for being a finalist for a worldwide community policing award presented by the International Association of Chiefs of Police (IACP). He said that the Brattleboro Police Department (BPD) received the finalist award for outstanding community policing initiatives undertaken by law enforcement agencies worldwide and the IACP recognized police organizations that use the "power of collaboration and partnership to make communities safer from crime and terrorism." He said that the BPD provided a "model for improved police services on issues specific to individual communities and valuable for all communities around the world." He congratulated said that BPD received second place ranking worldwide for communities with a population of less than 20,000, and he congratulated Chief Fitzgerald and the Brattleboro Police Department.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Kate O'Connor announced that a community open house and memorial had been scheduled in memory of James Banslaben on November 20, from 1:00 to 3:00pm, at the event space located (and named) 118 Elliot Street. She said that dessert would be served, BCTV would be showing many clips filmed by Banslaben, and everyone who knew him was to attend and share stories.

Schoales noted that more than 100 people per day were now voting early in Brattleboro. He encouraged voters to get out and vote.

DeGray thanked Kate O'Connor, Cor Trowbridge, and Jan Anderson for their work in scheduling the celebration for James Banslaben. He also noted that Kinsman, an organization from which he purchased flower baskets and hardware for the downtown flower program, printed a beautiful photograph of Pliny Park in downtown Brattleboro in their most recent catalog.

PUBLIC PARTICIPATION

Michael Bosworth and Stewart McDermet, President and Trustee, respectively, of West Brattleboro Association (WBA), said that WBA wanted to install holiday lights on the West Brattleboro Common but no electricity was available at the site. They asked the Town to install power outlets and meters on poles at the Common in conjunction with the West Brattleboro Fire Station construction project.

UNFINISHED BUSINESS

Police-Fire Facilities Project

- (i) *General Update*
- (ii) *Lease for Reformer to Occupy 2,200 square feet at 62 Black Mountain Road.*

Town Manager Elwell provided a general update on the progress of construction at the West Brattleboro Fire Station and the commencement of construction at the Central Fire Station. He also spoke about preparations for construction at the Police Department, including the purchase of the building at 62 Black Mountain Road and the leasing of space to the Brattleboro Reformer (New England Newspapers, Inc.). He discussed the proposed lease and said that the Board was asked to approve the lease. There was a very brief discussion.

MOTION BY DAVE SCHOALES TO APPROVE A LEASE BETWEEN THE TOWN OF BRATTLEBORO AND NEW ENGLAND NEWSPAPERS, INC., AS SET FORTH IN THE LEASE AGREEMENT ATTACHED TO TOWN MANAGER ELWELL'S MEMORANDUM DATED OCTOBER 27, 2016. MOTION CARRIED 4-0.

Traffic Safety/Pedestrian Safety Improvements with FY17 Funds - Staff Recommendations per Selectboard's Prior Request. Gartenstein said that at a recent Selectboard meeting, the Board voted to spend \$30,000 from the current year's budget to purchase or install traffic/pedestrian safety devices and the Department of Public Works (DPW) was asked to make recommendations about the purchase of proposed equipment and potential installations. Steve Barrett and Hannah Tyler, from DPW, provided and discussed a memo dated October 21, 2016 with their recommendations to expend \$30,110. DeGray

objected to using these funds to pay the required matching funds to purchase two Rapid Rectangular Flashing Beacons (RRFB) to be installed on Western Avenue at Holton Home and Union Hill. He said that the RRFBs would be partially funded by grants (next agenda item) and disagreed that use of the \$30,000 was an appropriate expenditure. He asked where the matching funds would have come from and Barrett replied that they would come from another area of the budget, such as sidewalk improvements. DeGray said that he acquiesced from his original proposal in using surplus funds from the rooms and meals tax and that use of these funds to complete the purchase an already-planned project was inappropriate. Gartenstein suggested holding another discussion about installation of traffic/pedestrian safety devices after the winter season when it would be clear if any unused funds from the operating budget would be available for this use. Elwell said that surplus funds from the rooms and meals tax could only be authorized by Representative Town Meeting, as opposed to reallocating use of operating funds. There was much discussion by the Board.

MOTION BY KATE O’CONNOR TO APPROVE THE DEPARTMENT OF PUBLIC WORKS’ RECOMMENDATIONS FOR INSTALLATION OF CERTAIN TRAFFIC SAFETY AND PEDESTRIAN SAFETY EQUIPMENT, AS SET FORTH IN THE MEMORANDUM DATED OCTOBER 21, 2016, FOR A TOTAL COST OF \$30,110. MOTION CARRIED 3-1 (DEGRAY OPPOSED).

NEW BUSINESS

VTrans Bike and Pedestrian Program Grant – Accept and Appropriate

- (i) *Flashing Light Crosswalk Signal on Western Avenue at Holton Home*
- (ii) *Flashing Light Crosswalk Signal on Western Avenue at Union Hill.*

Elwell said that the Board was asked to accept and appropriate a Bicycle and Pedestrian Program Grant in the amount of \$8,000 from the Vermont Agency of Transportation to help pay the costs of two Rapid Rectangular Flashing Beacon (RRFB) devices for installation at the crosswalks on Western Avenue near Union Hill and Holton Home. There was a brief discussion.

MOTION BY DAVID GARTENSTEIN TO ACCEPT AND APPROPRIATE A BICYCLE AND PEDESTRIAN PROGRAM GRANT IN THE AMOUNT OF \$8,000 FROM THE VERMONT AGENCY OF TRANSPORTATION TO HELP PAY THE COSTS OF TWO RAPID RECTANGULAR FLASHING BEACON DEVICES FOR INSTALLATION AT THE CROSSWALKS ON WESTERN AVENUE NEAR UNION HILL AND WESTERN AVENUE NEAR HOLTON HOME. MOTION CARRIED 4-0.

FY18 Proposed Budget

- (i) *Town Manager’s Overview*
- (ii) *Schedule of Upcoming Meetings for Selectboard Review.*

Elwell provided a general overview of the FY18 proposed budget and discussed some highlights. He said that if the budget was approved as presented property taxes would increase \$0.055, or less than 5%, due in-part to payments of the bond for the Police-Fire Facilities Building Project. He also distributed the FY18 proposed budget notebooks and related materials, and requested that the Selectboard approve a schedule of meetings set forth in his memo dated October 27, 2016, at which the Selectboard would discuss, modify and approve the budget. Gartenstein noted that the proposed budget was on the Town’s website and invited the public to attend and participate in the budget discussions. There was a brief discussion by the Board. The Board agreed to the proposed meeting schedule set forth in Town Manager Elwell’s memo.

NO MOTION WAS OFFERED.

Solid Waste Matters

- (i) *Windham Solid Waste Management District (WSWMD) Proposed FY18 Budget*
- (ii) *Alternative for Disposal of Recycling.*

Elwell said that the Windham Solid Waste Management District (WSWMD) circulated two FY18 budget alternatives to member towns for consideration, one of which included the Material Recovery Facility (MRF) and one that did not. He briefly discussed the alternative budgets and noted that more information, including an alternative for disposal of recyclables if the MRF was closed, was set forth in the memo dated October 21, 2016, from Assistant Town Manager Patrick Moreland. He said that the Board was asked to indicate its preference for either the "Existing Operations" budget or the "No MRF" budget, to reiterate its support for a "50/50" (population / grand list) assessment model, and to instruct the Town's representative to vote accordingly at the WSWMD meeting on March 10. Bob Spencer, from WSWMD, was present and discussed the proposed budgets and possible operational changes depending on the budget vote. Franz Reichsman, Town Meeting Representative, said that the budget materials were very difficult to understand and inquired about the destination of recyclables if the MRF was discontinued. There was much discussion by the Board.

MOTION BY DAVID GARTENSTEIN THAT THE BRATTLEBORO SELECTBOARD INSTRUCT THE WINDHAM SOLID WASTE MANAGEMENT DISTRICT REPRESENTATIVE, DAVID SCHOALES, TO CAST [THE SELECTBOARD'S] VOTES IN FAVOR OF THE NO MATERIALS RECYCLING FACILITY BUDGET AND THAT [THE SELECTBOARD] CONTINUE TO ENDORSE THE 50% / 50% ASSESSMENT MODEL (POPULATION AND GRAND LIST). MOTION CARRIED 3-0 (SCHOALES ABSTAINED).

Brattleboro Development Credit Corporation (BDCC) Refinancing of 343 John Seitz Drive at Exit One Industrial Park - Subordination Agreement between the Town and People's United Bank. Elwell said that the Brattleboro Development Credit Corporation (BDCC) had plans to do substantial work on the building located at 343 John Seitz Drive and was refinancing its mortgage originally dated July 9, 1996. He said that the Board was asked to approve a subordination agreement of a related Town loan to allow for the refinancing of BDCC's mortgage. He said that additional information was set forth in the memo dated October 24, 2016, from Town Attorney Fisher, and that the Board was asked to authorize the Town Manager to execute the subordination agreement. There was no discussion.

MOTION BY DAVE SCHOALES TO AUTHORIZE TOWN MANAGER PETER ELWELL TO EXECUTE THE SUBORDINATION AGREEMENT WITH PEOPLE'S UNITED BANK FOR THE BDCC REFINANCING OF 343 JOHN SEITZ DRIVE AT EXIT ONE INDUSTRIAL PARK. MOTION CARRIED 4-0.

Whetstone Station Associates Refinancing of Whetstone Station Restaurant and Brewery Property - Subordination Agreement between the Town and Brattleboro Savings & Loan Association. Elwell said that Whetstone Station Associates, LLC, and Whetstone Station Restaurant and Brewery, LLC, were refinancing a mortgage originally dated April 26, 2012, and the Board was asked to approve a subordination agreement of a related Town Small Business Assistance Program (SBAP) loan. He said that additional information was set forth in the memo dated October 27, 2016, from Fisher and Fisher Law Office, and the Board was asked to authorize the Town Manager to execute the subordination agreement. There was no discussion.

MOTION BY KATE O'CONNOR TO AUTHORIZE TOWN MANAGER PETER ELWELL TO EXECUTE THE SUBORDINATION AGREEMENT WITH THE BRATTLEBORO SAVINGS AND LOAN ASSOCIATION FOR THE WHETSTONE REFINANCING. MOTION CARRIED 4-0.

Arts Committee Proposals

- (i) *Transportation Center*
- (ii) *High-Grove Parking Lot.*

Gartenstein said that as earlier noted this matter was removed from the agenda and would be heard at a later meeting when the artists were available to speak about the proposals.

Proposal to Prohibit “Single-Use Plastic Bags” in Retail Stores in Brattleboro. Gartenstein said that the Board was asked to consider a partial ban on “single use plastic bags” as proposed in the e-mail from Dr. Timothy Maciel, dated October 21, 2016. Dr. Maciel was present and discussed the reasons for his request that the Board prohibit single-use plastic bags in retail stores. He said that the matter had been considered at State and local levels for some time but it continued to stall, and he asked that Brattleboro become the leader in this effort. There was some discussion by the Board. It was generally agreed that the matter should be put to the public, and that a public process was provided in the Town Charter where the petitioner would collect signatures for a petition to be added to either the Town Meeting ballot or to the Representative Town Meeting Warning. Maciel was invited to speak with the Town Attorney, Town Clerk, or Town Manager to determine the proper wording for a petition.

NO ACTION TAKEN.

2016 Bulletproof Vest Partnership Grant – Accept and Appropriate. Elwell said that the Board was asked to accept and appropriate a grant in the amount of \$1,400 from the Department of Justice, Bureau of Justice Assistance to help pay for the purchase of bullet proof vests. There was no discussion by the Board.

MOTION BY RICHARD DEGRAY TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$1,400 FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, TO HELP PAY FOR THE PURCHASE OF BULLET PROOF VESTS. MOTION CARRIED 4-0.

DEMHS Assistance to Firefighters Grant – Approve Application. Elwell said that the Board was asked to approve the Fire Department’s application for a \$990,000 Assistance to Firefighters Grant from the Department of Homeland Security/FEMA to pay for a new aerial ladder truck. He said that replacement of the truck was included in the 2020 capital plan, but that it would likely be moved up due to the condition of the truck and that funds would likely have to be borrowed. Fire Chief Bucossi said that the current ladder truck was put into service in 1991, was showing its age, and was not up to current standards. There was a brief discussion.

MOTION BY KATE O’CONNOR TO APPROVE THE FIRE DEPARTMENT’S APPLICATION FOR A \$990,000 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY/FEMA TO PAY FOR A NEW AERIAL LADDER TRUCK. MOTION CARRIED 4-0.

Award Winter Sand Bid. Elwell said that the Board was asked to award the bid for winter sand to Zaluzny Excavating, of Vernon, Vermont, and that the bid was the lowest of four bids received. He said that the Town expected to purchase 2,500 cubic yards of sand for this winter for a total price of \$21,750. There was no discussion.

MOTION BY RICHARD DEGRAY TO AWARD THE BID FOR WINTER SAND TO ZALUZYNY EXCAVATING IN THE UNIT PRICE AMOUNT OF \$8.70 PER CUBIC YARD, WITH AN EXPECTED TOTAL COST OF \$21,750 TO PURCHASE 2,500 CUBIC YARDS OF SAND. MOTION CARRIED 4-0.

There was no further business.

MOTION BY RICHARD DEGRAY TO ADJOURN AT 8:22PM. MOTION CARRIED 4-0.

David Schoales, Clerk