

**BRATTLEBORO SELECTBOARD
TUESDAY, DECEMBER 6, 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, John Allen and Richard DeGray.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Assessor Russell Rice, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Town Clerk Annette Cappy, Incoming Town Clerk Hilary Francis, and Executive Secretary Jan Anderson.

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

Others present: Dale Joy, Adam Salviani, Joseph Green, William Isch, Brian Ingalls, Erin Sprandel, Simrin Soggi, Michael Boswell, Michael Fairchild, Dawn Chattin, Alex Beck, Kristin Mehalick, Avery Schwenk, David Saladino, Brandy Saxton, Susan McMahon, Stephanie Bonin, Bob Spencer, Jim Verzino, Erica Roper, Kathleen White, Scott Castle, David Cadran, Tad Montgomery, Luke Stafford, Bethaney LaClair, Franz Reichsman, Greg Worden, Laura Sibilia, Murray Ngoima, Michelle Simpson-Siegel, 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, REAL ESTATE LEASES, AND POTENTIAL SALE OF PROPERTY WHERE PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, PEOPLE INVOLVED, THE BOARD, AND OTHER PARTIES AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND ASSISTANT TOWN MANAGER WERE INVITED TO ATTEND. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM NOVEMBER 9, NOVEMBER 15, NOVEMBER 22, AND NOVEMBER 29, 2016, AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein noted that the Board was in the middle of a busy time and would be meeting weekly throughout the budget season.

MANAGER'S COMMENTS

Town Manager Elwell said that the new 1,000,000 gallon water tank installation project was nearly complete. He thanked the Department of Public Works and the contractors for their work on the project. He also announced that the Selectboard meeting scheduled on December 13 would be held at the Gibson-Aiken Center in the Senior Center Room and would start at 5:30pm.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Schoales reminded the public that the Act 46 vote on whether to allow Vernon's departure from the School District would be held on December 13 in the Selectboard meeting room and that a public informational meeting was scheduled on Thursday at 6:00pm at the Oak Grove School.

Allen said that some of his family members inquired whether the star on top of Wantastiquet Mountain could be replaced. He asked members of the public to contact the Town Manager's office if they had ideas or knowledge about how the light could be replaced.

PUBLIC PARTICIPATION

Dale Joy asked the Board to announce committee vacancies so the Arts Committee could add additional members. Executive Secretary Anderson explained the process of announcing vacancies and appointing committee members. Elwell added that the Selectboard was expected to announce vacancies at its next regular meeting.

LIQUOR COMMISSIONERS

MOTION BY RICHARD DEGRAY TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

First Class Liquor License and Outside Consumption Permit – EB Echoes, Inc., d/b/a Echo Restaurant & Lounge. Gartenstein said that the Board was asked to approve a First Class Liquor License and Outside Consumption Permit for EB Echoes, Inc., d/b/a Echo Restaurant & Lounge, located at 69-73 Main Street. Erin Sprandel and Brian Ingalls, owners of the restaurant, said they were in the process of purchasing the Fireworks Restaurant and they discussed their plans for the new restaurant that would open at that location. Elwell said that the application had been reviewed by staff who recommended approval of the application. There was a brief discussion by the Board.

MOTION BY RICHARD DEGRAY TO APPROVE A FIRST CLASS LIQUOR LICENSE AND OUTSIDE CONSUMPTION PERMIT FOR EB ECHOES, INC., D/B/A ECHO RESTAURANT & LOUNGE, LOCATED AT 69-73 MAIN STREET. MOTION CARRIED 5-0.

MOTION BY JOHN ALLEN TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

Police-Fire Facilities Project

- (i) *West Brattleboro Fire Station Construction Update*
- (ii) *Central Fire Station Construction Update*
- (iii) *Police Station Pre-Construction Update.*

Town Manager Elwell provided an update on the construction progress on the West Brattleboro Fire Station and Central Fire Station, as well as the purchase of 62 Black Mountain Road and other pre-construction work for the Police Station project, all as set forth in his memo dated November 30, 2016. He said that the guaranteed maximum price for the Police Station would be provided to the Board at its December 20 meeting. There was some discussion by the Board.

NO ACTION TAKEN.

NEW BUSINESS

Errors and Omissions to Grand List – Approval, Assessor's Office. Russell Rice, Town Assessor, said that the Board was asked to approve the changes in the 2016 Grand List as set forth on his Errors and Omissions 2016 Grand List Report, dated November 16, 2016. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE THE CHANGES IN THE 2016 GRAND LIST AS SET FORTH ON THE ERRORS AND OMISSIONS 2016 GRAND LIST REPORT, DATED NOVEMBER 16, 2016, FROM TOWN ASSESSOR RUSSELL RICE. MOTION CARRIED 5-0.

Route 30 Gateway – Presentation (Brandy Saxton and David Saladino). Brandy Saxton and David Saladino, representatives from the consultant team of PlaceSense and VHB, presented and discussed the Vermont Route 30 Multi-Modal Gateway Plan (“Plan”). Gartenstein said that a grant had been obtained to explore possible options and uses of Route 30 between Cedar Street and the West River Park. Susan McMahon, from the Windham Regional Commission (WRC), said that funding for the Plan was provided by the Vermont Agency of Transportation (VTrans) with a 10% match from WRC and she briefly discussed the process. Elwell spoke briefly about the process including dialog between the Town, VTrans, and a civilian advisory committee. He also noted that any improvements would be a long-term project. Saxton and Saladino gave a presentation about the Plan that included alternatives to improve that section of Route 30 and make it more accessible for pedestrians and bicyclists. They also discussed some difficulties and challenges in implementing any such improvements. They said that VTrans would be reluctant to make such improvements but would likely provide incentives for the Town to take over that section of roadway, which would allow more flexibility in making the improvements. Gartenstein said he was the Town’s representative on the Community Advisory Committee and he discussed input that was provided by interested recreational persons and nearby residents, as well as financial aspects of taking over the road or funding improvements. Dale Joy suggested starting at the Cedar Street area if improvements were to be made. Scott Castle inquired whether the old I-91 bridge could be salvaged for pedestrian traffic. There were several questions and some discussion by the Board.

Elwell noted that the speed limit from West River Park to Cedar Street had been reduced to 40 mph when the I-91 Bridge construction project started, and he asked if the Board would consider a request to VTrans to leave the speed limit at 40 mph after the bridge project was complete. There was a brief discussion.

MOTION BY DAVID GARTENSTEIN TO AUTHORIZE THE TOWN MANAGER TO WORK WITH VTRANS TO SEEK MAKING THE 40 MPH SPEED LIMIT UP TO THE WEST RIVER PARK PERMANENT. MOTION CARRIED 5-0.

Solid Waste Matters

- (i) *Town of Brattleboro Representation on the Windham Solid Waste Management District (WSWMD) Board of Supervisors*
- (ii) *FY18 WSWMD Budget and Potential Town Transition to Single Stream Recycling with Private Processing and Disposal*

(i) Gartenstein provided a brief history noting that in November, the Board voted to instruct the Town’s appointed representative to the Windham Solid Waste Management District’s (WSWMD) Board of Supervisors (Schoales) to cast the Town’s six votes for the FY18 WSWMD budget that would not provide the continued operation of the materials recycling facility (MRF). He said that although Schoales was a man of conscience and diligence, he was not confident that Schoales would cast his votes on the final FY18 WSWMD budget in a manner consistent with the Board’s instructions.

Schoales explained the basis for his vote. He said that having heard the conversations with other member towns at the November WSWMD meeting, he did not believe that the Selectboard’s goal of discontinuing the MRF and implementing the 50/50 population/grand list assessment model would be achieved. He said that a proposal was made at the meeting to add a 20% surcharge to outlying towns which would have meant a 6% savings to Brattleboro, which in his judgment would have been better for the Town. He explained that the motion was a two part motion, that he expected the same motion to be made at the meeting on Thursday, and that he would vote the same way. DeGray suggested an option for Schoales to resign from the position. There was much discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO REMOVE DAVID SCHOALES AS THE TOWN'S REPRESENTATIVE ON THE WINDHAM SOLID WASTE MANAGEMENT DISTRICT BOARD OF SUPERVISORS. MOTION CARRIED 4-0 (SCHOALES ABSTAINED).

DAVID GARTENSTEIN NOMINATED JOHN ALLEN TO BE THE TOWN'S REPRESENTATIVE ON THE WINDHAM SOLID WASTE MANAGEMENT DISTRICT BOARD OF SUPERVISORS. MOTION CARRIED 4-0 (ALLEN ABSTAINED).

(ii) Elwell said that much discussion had taken place over the past several months about redirecting the Town's recyclables to a facility in Rutland which would result in single-stream recycling. He discussed possible financial impacts to the Town and some of the uncertainties in making such a change. He said that the Board was asked to indicate a preference for directing Brattleboro's curbside recycling collections to Triple T Trucking/Casella, and direct him to discuss and finalize details with Triple T. He said that he would then return to the Selectboard with the proposed plan and seek the Board's approval. Schoales asked that compostable material continue to be taken to the WSWMD. Bob Spencer, from WSWMD, spoke about matters contained in Assistant Town Manager's memo dated November 28, 2016, and suggested offering the Town a discount in tipping fees to make the compostable program with WSWMD viable for the Town. He also discussed some other possible programs that were being considered by WSWMD. He thanked Schoales for his past involvement on the WSWMD Board. There was some discussion by the Board, including clarification on how Allen would vote on Thursday, the Town's contractual obligations to WSWMD, and the benefits of planning an exit strategy from WSWMD.

MOTION BY KATE O'CONNOR TO DIRECT THE TOWN MANAGER TO FINALIZE DETAILS WITH TRIPLE T TRUCKING FOR THE CURBSIDE COLLECTION OF SINGLE STREAM RECYCLING FOR PROCESSING AND DISPOSAL BY CASELLA IN RUTLAND. MOTION CARRIED 5-0.

Gartenstein called for a brief recess at 8:00pm.

Gartenstein reconvened the meeting at 8:10pm.

FY18 Budget

(i) *Town Clerk*

Town Clerk Annette Cappy, and incoming Town Clerk Hilary Francis, presented the Town Clerk's proposed FY18 budget. Cappy briefly explained the revenue and expense budgets. There was a brief discussion. Allen and other members of the Board thanked Cappy for her 28 years of service, and welcomed Hilary Francis.

NO ACTION TAKEN.

Arts Committee Proposal - Transportation Center Mural. Adam Salviani, Chair of the Arts Committee, and Artist Murray Ngoima were present. Salviani said that the Arts Committee approved Ngoima's public art proposal to install a mural at the Transportation Center and asked the Board for its approval. Ngoima discussed the background and significance of the mural. There was a brief discussion by the Board.

MOTION BY KATE O'CONNOR TO APPROVE INSTALLATION OF THE "TRANSPORTATION CENTER MURAL" AS PROPOSED BY THE TOWN ARTS COMMITTEE, SUBJECT TO THE CONDITIONS SET FORTH IN THE MEMORANDA DATED OCTOBER 27, 2016, AND NOVEMBER 29, 2016, FROM TOWN MANAGER PETER ELWELL AND THE SELF-IMPOSED CONDITIONS OF THE ARTS COMMITTEE AS SPECIFIED IN THE PROPOSAL. MOTION CARRIED 5-0.

Downtown Brattleboro Alliance – Annual Work Plan, Budget, and Town Meeting Article. Michelle

Simpson-Siegel and Alex Beck, representatives from Downtown Brattleboro Alliance (DBA), were present and asked the Board to approve DBA's FY2018 Work Plan and proposed budget. Simpson-Siegel announced that Selectboard member Dick DeGray had resigned as Treasurer from the DBA but remained Chair of the Design Committee. She thanked DeGray for his service on the DBA and presented him with a small brass acorn made by a former Oak Meadow student. DeGray declared that he would not have a conflict with his participation in the DBA and being a member of the Selectboard, so would participate in the upcoming discussion and vote. O'Connor disclosed that she was the Chamber of Commerce representative on the DBA and would abstain from participating in the DBA discussion and vote. Simpson-Siegel reviewed the DBA accomplishments throughout the past year as set forth in her letter dated November 18, 2016. Beck said that he was the current DBA Treasurer and presented the proposed budget. When asked he provided an explanation of where surplus funds came from, how the funds were spent last year, and expectations on spending the funds in upcoming year. Gartenstein said there was a history of downtown organizations having difficulty sorting out private and public functions. He spoke of his concerns about the developers of the Brooks House entering into a contract with DBA and contributing \$15,000 to fund a fulltime DBA Coordinator who would perform promotional work at the Brooks House Park located on private property. He said that he was unable to support the proposed budget. Simpson-Siegel and Beck spoke in support of public/private partnerships. DeGray asked for a copy of the Coordinator's new job description to present to Representative Town Meeting. There was substantial discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE THE DOWNTOWN BRATTLEBORO ALLIANCE FY2018 WORK PLAN AND BUDGET, AS PRESENTED. MOTION CARRIED 3-1 (GARTENSTEIN OPPOSED; O'CONNOR ABSTAINED).

Southeastern Vermont Economic Development Strategies (SeVEDS) – Request for Town Funding in FY18. Representatives from Brattleboro Development Credit Corporation (BDCC) - Laura Sibilia, Director of Economic Development, Kristin Mehalick, Project Manager, and Alex Beck, Workforce and Education Specialist - were present and discussed its affiliate, Southeastern Vermont Economic Development Strategies (SeVEDS), and the regional economic development efforts for the upcoming year. Sibilia said that BDCC and SeVEDS were asking the Board to appropriate \$36,147 (calculated at \$3.00 per person based on a population of 12,049) to support SeVEDS regional economic development efforts in FY18. She said that the same request was being made to other regional towns and suggested that the Board include that amount in the Town's budget or, alternatively, add it to the Representative Town Meeting Warning. She discussed the BDCC/SeVEDS relationship and reviewed the SeVEDS 2016-2017 work plan. O'Connor and Gartenstein noted that Brattleboro participated in separate economic development initiatives, such as loans from the Program Income Fund directly to businesses, and consequently would not support the full amount being requested. Sibilia said that if the full request was not approved that SeVEDS would initiate a petition for the full amount. There were several questions and much discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO INCLUDE AN ARTICLE ON THE TOWN MEETING WARNING TO APPROPRIATE \$24,000 FROM THE TOWN PROGRAM INCOME FUNDS TO SUPPORT SOUTHEASTERN VERMONT ECONOMIC DEVELOPMENT STRATEGIES FOR ECONOMIC DEVELOPMENT IN FY18. MOTION CARRIED 5-0.

Energy Related Matters

- (i) *Energy Committee Annual Report*
- (ii) *Request for Representative Town Meeting Article re: Funding Previously Provided to Brattleboro Climate Protection*
- (iii) *Energy Coordinator Position.*

Representatives from the Energy Committee – Michael Bosworth, Mary McLoughlin, Kathleen White, and Tad Montgomery – were present and provided the Board with a PowerPoint presentation of the

Committee's Annual Report, including recommendations that the Town purchase net metering solar credits from the Windham Solid Waste Management District and hire a full-time Energy Coordinator. There was much discussion by the Board. It was generally agreed that the Board would further discuss the possible hiring and funding of an Energy Coordinator in upcoming budget discussions.

NO ACTION TAKEN.

Award of Municipal Center Fire Sprinkler Contract. Elwell said that the Board was asked to award a bid in the amount of \$110,000 to Southern Vermont Sprinkler and to approve a not-to-exceed project budget of \$117,500 for Phase Two of the Municipal Center Life Safety Improvement Plan. There was no discussion.

MOTION BY RICHARD DEGRAY TO AWARD A BID IN THE AMOUNT OF \$110,000 TO SOUTHERN VERMONT SPRINKLER AND TO APPROVE A NOT-TO-EXCEED PROJECT BUDGET OF \$117,500 FOR PHASE TWO OF THE MUNICIPAL CENTER LIFE SAFETY IMPROVEMENT PLAN. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

FY17 Capital Purchase of Two Police Vehicles – State Bidding Process. Elwell said that the Board was asked to approve the purchase of two police vehicles in the total amount of \$48,859 utilizing the State of Vermont contract with Formula Ford of Montpelier, Vermont. He said that the vehicles were part of the FY2017 Capital Improvement Plan as set forth in the memorandum dated November 22, 2016, from Police Chief Fitzgerald, and that a bid for the upfit of equipment would come at a later time. There was no discussion.

MOTION BY RICHARD DEGRAY TO APPROVE THE PURCHASE OF TWO POLICE VEHICLES IN THE TOTAL AMOUNT OF \$48,859 UTILIZING THE STATE OF VERMONT CONTRACT WITH FORMULA FORD OF MONTPELIER, VERMONT. MOTION CARRIED 5-0.

Proposed Sale of 21 Chapin Street. Elwell said that the Board was asked to approve the sale of the house and property located at 21 Chapin Street to the Women's Community Center, LLC, for \$1, as set forth in his memo dated November 30, 2016. He said there was no cost to the taxpayers because the property was originally purchased with grant funds, and that a legal notice would soon be published in the Brattleboro Reformer. There was no discussion.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE SALE OF THE HOUSE AND PROPERTY LOCATED AT 21 CHAPIN STREET TO THE WOMEN'S COMMUNITY CENTER, LLC, FOR ONE DOLLAR, WITH APPROPRIATE PUBLIC NOTICE. MOTION CARRIED 5-0.

Hinsdale Bridge Advisory Committee. Elwell said that the Board was asked to appoint two representatives to the Hinsdale Bridge Advisory Committee as set forth in his memo dated November 30, 2016. He offered to sit on the committee, along with Planning Director Francis, both of whom had been participating in discussions regarding the bridge project. There was no discussion.

MOTION TO APPOINT PETER ELWELL AND ROD FRANCIS TO THE HINSDALE BRIDGE ADVISORY COMMITTEE AS THE OFFICIAL REPRESENTATIVES FOR THE TOWN OF BRATTLEBORO. MOTION CARRIED 5-0.

There was no further business.

MOTION BY DAVID GARTENSTEIN TO ADJOURN AT 10:20PM. MOTION CARRIED 5-0.

David Schoales, Clerk