

**BRATTLEBORO SELECTBOARD
TUESDAY, DECEMBER 20, 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, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, and Executive Secretary Jan Anderson.

Media present: Olga Peters representing WTSA and BCTV staff and volunteers.

Others present: William Isch, Steve Horton, Jon Hoover, Byron Stookey, Lester Humphreys, Tad Montgomery, Michael Bosworth, Franz Reichsman, ASL interpreters Janet Dickinson and Elizabeth Fox, 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. He announced that the Board would enter into executive session and noted that law provided for only certain matters that may be discussed in executive session and any discussions would meet those standards.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS AND MATTERS THAT ARE IN LITIGATION BASED UPON A FINDING THAT GENERAL PREMATURE PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, THE BOARD, AND PEOPLE AND ENTITIES INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND ASSISTANT TOWN MANAGER WERE INVITED TO ATTEND THE ENTIRETY OF THE EXECUTIVE SESSION. JOHN O'CONNOR AND LESTER HUMPHREYS WERE INVITED TO ATTEND AT VARIOUS TIMES. MOTION CARRIED 4-0 (ALLEN WAS NOT PRESENT AT THE TIME OF THE VOTE).

Chair Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM DECEMBER 6 AND DECEMBER 13, 2016, AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein extended holiday wishes to viewers and their families. He announced that Commonwealth Dairy was expanding its facilities and would establish its headquarters in Brattleboro. He said it was a \$20,000,000 investment and would create 50 additional jobs. He thanked Town Manager Elwell, Assistant Town Manager Moreland, and Public Works Director Barrett for their assistance in connection with the expansion.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Richard DeGray thanked Public Works Director Barrett, Recreation & Parks Director Lolatte, Police Chief Fitzgerald, and Fire Chief Bucossi for their ongoing assistance in connection with his providing flowers and lights around town. He said that they were always supportive and willing to help. He also thanked Recycle Away for their donation of trash and recycling cans to Downtown Brattleboro Alliance, which

were placed in Pliny Park and at the Transportation Center. He also thanked Rasheds, Daryl Pillsbury, and the late James Banslaben for their assistance in helping him throughout the year.

PUBLIC PARTICIPATION

None.

UNFINISHED BUSINESS

Police-Fire Facilities Project

- (i) *Guaranteed Maximum Price for Police Station Construction*
- (ii) *West Brattleboro Fire Station Construction Update*
- (iii) *Central Fire Station Construction Update*
- (iv) *Amendment to Contract with Northeast Collaborative Architects*

Town Manager Elwell provided an update on construction at the West Brattleboro Fire Station and at Central Fire Station, as set forth in his December 15 memo. He said that the closing on the building located at 62 Black Mountain Road took place on December 2, and he discussed the preconstruction plans for the new Police Station. He briefly reviewed the expenses authorized by him from August 1 to December 15, 2016, as described in his December 15 memo. He noted that the overall project was generally on-time and on-budget. Steve Horton, Owner's Project Manager, provided information about the vapor barrier installed at the West Brattleboro Fire Station and answered various questions posed by Board members.

Elwell said that the Board was asked to approve the Guaranteed Maximum Price (GMP) of \$2,773,336 to DEW Construction Corp., for construction at the Police Station, and the GMP was recently approved by the Police-Fire Facilities Building Committee (PFFBC). He said that the GMP was \$149,896 higher than last year's estimate and he reviewed the three elements that elevated the cost, being fit-up costs for the tenant space, the cost to replace and improve the existing parking lot, and extensive draining improvements, all as set forth in his December 15 memo. Allen (the Board's representative to the PFFBC meetings) discussed the functionality and contributions of the PFFBC in connection with the project. William Isch asked about an open house at all of the new facilities. There was some discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE GUARANTEED MAXIMUM PRICE (GMP) OF \$2,773,336 FOR THE POLICE STATION CONSTRUCTION, AS PRESENTED IN THE DETAILED GMP DOCUMENT DATED DECEMBER 8, 2016, FROM DEW CONSTRUCTION CORP. MOTION CARRIED 5-0.

Elwell said that the Board was asked to approve an amendment to the agreement between Northeast Collaborative Architects. He said that the amendment covered the demolition of the current West Brattleboro Fire Station, design of the improved parking lot at the Police Station, and fit-up of the tenant space at the Police Station, all as set forth in his December 15 memo. He said that the PFFBC approved the proposed amendment at its recent meeting. There was no discussion.

MOTION BY JOHN ALLEN TO APPROVE THE THIRD AMENDMENT TO THE AGREEMENT BETWEEN NORTHEAST COLLABORATIVE ARCHITECTS, AS PRESENTED. MOTION CARRIED 5-0.

NEW BUSINESS

Financial Report – Monthly Report, November. Finance Director John O'Connor was present and discussed the monthly report for November, 2016. There was a brief discussion by the Board.

NO ACTION TAKEN.

Agenda Adjustment - Chair Gartenstein asked Board members if they would agree to move the Westgate Housing, Inc. matter up in the agenda to accommodate representatives from Westgate. The Board agreed.

Westgate Housing, Inc. - \$3,000 Grant from Program Income. Assistant Town Manager Moreland provided some history about Westgate Housing's Restructuring Project and funding requests, as set forth in his memo dated December 14, 2016. Jon Hoover, from Westgate Housing, Inc., noted that Westgate's VCDP grant was not awarded in the fall due to a very competitive round of applications; however, he announced that last week the Vermont Housing & Conservation Board awarded Westgate a \$35,000 grant for its restructuring project. He spoke about the partnership with Windham & Windsor Housing Trust to promote affordable housing at Westgate, and he said that the Board was asked to approve a grant in the amount of \$3,000 from Program Income for the restructuring project. There was a brief discussion by the Board.

MOTION BY KATE O'CONNOR TO APPROVE A GRANT IN THE AMOUNT OF \$3,000 FROM PROGRAM INCOME FOR THE WESTGATE HOUSING, INC. PROJECT, CONTINGENT UPON A COMMITMENT OF \$62,000 FROM OTHER SOURCES, FOR THE WESTGATE HOUSING RESTRUCTURING PROJECT. MOTION CARRIED 5-0.

FY18 Budget

- (i) Attorney
- (ii) General Services
- (iii) Risk Management
- (iv) Benefits
- (v) Bonds/Notes
- (vi) Human Services
- (vii) Auxiliary Services
- (viii) Municipal Center
- (ix) Regional
- (x) Solid Waste.

Town Manager Elwell spoke about four significant changes to the proposed budget that developed after distribution of the budget, the items being Risk Management (Worker's Compensation and General Liability, page 7), Bonds/Notes (Lease Expense, page 8), and Transfer (Transfer to Solid Waste, page 18). He spoke about the reasons for the change in each item and said that the result was a decrease in the total budget of \$78,839. Elwell then discussed the other ten miscellaneous budget items. Franz Reichsman asked about the attorney fee, Municipal Center, and Police Department overtime line items. Gartenstein said that the use/disposition of the Municipal Center had generated much interest and the Board would discuss it in future meetings. Elwell reviewed a list of pending items that would be discussed before finalizing the budget in January. There were several questions and much discussion by the Board.

NO ACTION TAKEN.

Accept and Appropriate Municipal Planning Grant – Downtown Parking Study. Elwell said that the Board was asked to accept and appropriate a Municipal Planning Grant in the amount of \$20,000 from the Agency of Commerce and Community Development for a downtown parking study. There was a brief discussion by the Board.

MOTION BY KATE O'CONNOR TO ACCEPT AND APPROPRIATE A MUNICIPAL PLANNING GRANT IN THE AMOUNT OF \$20,000 FROM THE AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT FOR A DOWNTOWN PARKING STUDY. MOTION CARRIED 5-0.

FY17 Parking Fund Budget – Additional Information re: Harmony Lot and Energy Efficiency Improvements. Moreland said that the Board previously approved a three-year Parking Fund Capital Improvement Plan with expenditures in FY17 of \$260,000. The Board requested additional information at that time and he said that the information was contained in his memo dated December 15, 2016. He discussed the information and two alternative plans proposed in his memo. He said that Alternative #1 provided for (a) improvements to the Harmony Parking Lot, and (b) energy efficiencies to the Transportation Center, for a total FY17 cost of \$271,200. He discussed the energy efficiencies proposed to the Transportation Center. He then discussed Alternative #2 and said it did not contain improvements to the Transportation Center and provided only for improvements to the Harmony Lot, Harris Lot, and Preston Lot, for a total FY17 cost of \$251,700. He also noted that improvements to the Harmony Parking Lot would include improvements to portions of abutting private property on the eastern side of the lot and along the sidewalk surrounding the southern buildings. He said that the Board was asked to consider allowing improvements to the abutting landowner's property without cost to the private landowners, in exchange for a hold harmless agreement. There was much discussion by the Board, particularly about energy efficiencies to the Transportation Center, energy assistance available through the Windham Wood Heat Program, the condition of paving in the parking lots, and the need to replace parking meters.

MOTION BY RICHARD DEGRAY TO ALLOCATE \$251,700 FOR THE PARKING FUND CAPITAL IMPROVEMENTS IN FY17 AND TO AMEND THE APPROVED PARKING FUND CAPITAL PLAN, AS PRESENTED [Alternative #2].

Gartenstein spoke in strong support of taking advantage of available energy efficiencies which would reap savings and also generate revenue. Schoales also spoke in support of making energy efficiency improvements to the Transportation Center, the resulting savings, and the assistance available at this time through the Windham Wood Head Program. There was further discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO AMEND THE MOTION SO THAT IT PROVIDES TO ALLOCATE \$271,200 FOR PARKING FUND CAPITAL IMPROVEMENTS IN FY17 AND TO AMEND THE APPROVED PARKING FUND CAPITAL PLAN, AS PRESENTED [Alternative #1]. MOTION TO AMEND FAILED 2-3 (O'CONNOR, ALLEN AND DEGRAY OPPOSED).

Gartenstein asked for a vote on the original motion:

MOTION BY RICHARD DEGRAY TO ALLOCATE \$251,700 FOR THE PARKING FUND CAPITAL IMPROVEMENTS IN FY17 AND TO AMEND THE APPROVED PARKING FUND CAPITAL PLAN, AS PRESENTED [Alternative #2]. MOTION CARRIED 3-2 (GARTENSTEIN AND SCHOALES OPPOSED).

Gartenstein asked if members of the public would like to speak to the matter. Michael Bosworth spoke about his comments that he e-mailed to the Board mail earlier in the day (copy included in the Board's back-up materials) and in response to the Board's discussion and vote. Gartenstein asked if any Board member wished to change her/his vote after hearing Mr. Bosworth's comments. There was no further discussion.

MOTION BY DAVID GARTENSTEIN TO AUTHORIZE COORDINATION OF THE HARMONY LOT IMPROVEMENTS WITH ABUTTING PRIVATE PROPERTY OWNERS ON THE EASTERN AND SOUTHERN ENDS OF THE [HARMONY] PARKING LOT TO INSURE CONSISTENT PUBLIC INFRASTRUCTURE IMPROVEMENTS WITHIN THE PROJECT AREA, AND TO SEEK PROPERTY OWNER'S CONSENT FOR IMPROVEMENTS ON PRIVATE LAND IN EXCHANGE FOR HOLD HARMLESS AGREEMENTS. MOTION CARRIED 4-0 (DEGRAY ABSTAINED).

Solid Waste Matters - Update. Gartenstein summarized discussions by the Board over the past several months regarding the Windham Solid Waste Management District (WSWMD) and the Board's recent decision to send recyclable materials to Casella's facility in Rutland, rather than to the WSWMD. He said that the Board questioned whether recycling through WSWMD was in the Town's best interest and staff held discussions with the WSWMD seeking to improve the business format. He said those discussions were not fruitful so the Board decided to send curbside recyclables to Casella's. He said the recyclables would now be single stream so households would not have to separate paper products from other recyclable materials. Schoales noted that other services would continue to be offered at the WSWMD. There was a brief discussion by the Board. Elwell said that the WSWMD approved its budget for next year, which did not include operation the Material Recovery Facility (MRF). He said that all member towns would incur a one-time cost in order to close the MRF. He said that negotiations were ongoing with Triple T Trucking, WSWMD, and Casella's, and that he expected to have a proposal for the Board's consideration by March 15. There was a brief discussion by the Board.

NO ACTION TAKEN.

Announce Committee Vacancies. Gartenstein noted that the Development Review Board (DRB) asked the Selectboard to remove Joe Bushey from the DRB because he had relocated out of the community. Gartenstein thanked Bushey for his many years of service on the DRB and in other capacities in the community. He recommended accepting the DRB's request to remove Bushey from the Development Review Board.

MOTION BY DAVID GARTENSTEIN TO ACCEPT THE DEVELOPMENT REVIEW BOARD'S REQUEST TO REMOVE JOE BUSHEY FROM THE DRB BECAUSE HE RELOCATED OUT OF THE COMMUNITY. MOTION CARRIED 5-0.

Gartenstein announced vacancies on various Town committees, as set forth in the press release dated December 21, 2016. He suggested that people interested in serving on those committees submit an application to the Town Manager's Office.

NO ACTION TAKEN.

There was no further business.

MOTION BY RICHARD DEGRAY TO ADJOURN AT 8:55PM. MOTION CARRIED 5-0.

David Schoales, Clerk