

SPECIAL REPRESENTATIVE TOWN MEETING

October 20, 2012

Pursuant to the Warning for the Special Town Meeting recorded in the Town Records, Volume 20, page 220, the legal voters qualified to vote in Representative Town Meeting met at Academy School Gymnasium on October 20, 2012 at 8:30 am.

The meeting was called to order at 8:35 A. M. by Moderator Timothy O'Connor.

Checklist Attendant and Assistant Town Clerk Jane Fletcher, announced that 112 Town Meeting Members were present. Moderator O'Connor stated that 73 members constitute a quorum. Later in the day, 128 were present.

The Moderator announced the procedural rules of the meeting.

The Moderator called for a moment of silence in tribute to Robert T. Gannett who passed away on August 26, 2012 and Mark Hutchins who passed away on October 17. Former Senator Gannett had been a founding member of Brattleboro's representative form of government in 1959 and a member from its inception until March 2012.

Mr. Hutchins had been a town meeting member in past years.

PRELIMINARY MOTIONS

David Gartenstein moved: That the following persons be authorized to sit in the reserved section with the Selectboard: Town Manager Barbara Sondag, Assistant Town Manager Patrick Moreland and Town Attorney Robert Fisher; also Fire Chief Michael Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Eugene Wrinn and Police Captain Michael Fitzgerald. The motion was seconded and, on a standing voice vote, unanimously carried.

Ken Scheck moved: That the electronic media be permitted to remain in the reserved section. The motion was seconded and, on a standing voice vote, unanimously carried.

FIRE STATIONS/POLICE DEPARTMENT RENOVATIONS: (Australian Ballot)

Richard DeGray moved to suspend the rules in order to take up for consideration, out of order, Article 3, prior to the polls opening at 10:00 a.m. The motion was seconded and with no objection on a standing voice, Article 3 was taken up.

David Gartenstein read the article into the record as follows:

ARTICLE 3: To see if the Town will authorize the following capital improvement: The renovations to the Central Fire Station, the renovations to the West Brattleboro Fire Station (Station 2), and the renovations to the Police Department at the Municipal Center, at an estimated cost of Fourteen million, one hundred thirty thousand dollars (\$14,130,000), and will authorize the issuance of notes and/or bonds in the aggregate principal amount not to exceed \$14,130,000 at a rate of interest not to exceed five percent (5%) per annum and for a term of twenty years to pay to that extent the cost of said public improvement. The vote on this article shall be by Australian ballot as required by law. The question to be voted upon is as follows:

“Shall the bonds of the Town of Brattleboro in an amount not to exceed Fourteen million, one hundred thirty thousand dollars (\$14,130,000) and bearing interest not to exceed five percent (5%) be issued for the purpose of constructing renovations to the Central Fire Station, renovations to the West Brattleboro Fire Station (Station 2) and renovations to the Police Department at the Municipal Center?”

Town Manager Barbara Sondag addressed the overall scope of the project. She stated that the need for improved Fire and Police space had been researched numerous times and discussed extensively for over 20 years. She explained that preliminary designs had called for a much higher price-tag but many modifications had led to the current \$14 million design.

Ms. Sondag also stated that this bond article presented fiscally responsible answers to some very large problems of health, safety and structural issues that were beyond maintenance fixes. She said that the Town asks employees of these departments every day to risk their lives for the town; we shouldn't also be asking them to risk their health by putting them in these buildings.

Ms. Sondag yielded the floor to Fire Chief Michael Bucossi who stated that Central Station was built in 1949, with an addition on the west side in 1988. He outlined some of the building and space issues as follows:

- Modern apparatus is too large to fit into the current apparatus bays. Neither station was built for today's trucks. The steel header above the doors cannot be raised, leaving the ladder truck only a one and one-half inch clearance above and approximately one inch clearance on either side of the mirrors when driving through the doorways.
- Central Station floor wasn't designed to hold the current weight of modern trucks. In the 1960's and 70's, pumper trucks carried 250 gallons of water each and they now carry 1,000 gallons. This adds 6,000 pounds per truck of weight just in water.
- Each time a truck backs into the bays, the floor slab moves and the expansion joint over the apparatus floor is beginning to separate, seeping water into the basement. A temporary solution has been applied but will not solve the problem long term.
- The stations have outgrown its available storage space for apparatus and equipment and vehicles are parking 2-deep in the some bays.
- Poor indoor air quality – there are "air scrubbers" that do not function properly in the facility as evidenced by visible diesel fuel exhaust on the second floor walls.
- A more efficient floor plan is needed - to reach administrative areas, one must pass through staff areas and training sessions.
- The apron in the front of the facility is not deep enough to park a fire truck. Trucks parked in that area for routine equipment safety checks extend into the vehicular traffic of Elliot Street creating a hazard. Each time trucks leave or return to Central Station, traffic is disrupted.
- Neither station is handi-capped accessible nor do either have facilities for female fire fighters.
- The catwalk, which has pulled away from the wall has had a temporary repair.
- The proposed renovation and addition would provide a new hose tower that would be available for training using the tower's built in props.
- When Brattleboro's trucks are all responding to calls, trucks from area towns are called in to cover Brattleboro. None of the area towns' ladder trucks will fit into Central Station, making it necessary to park outside in the elements regardless of the weather.
- Station II in West Brattleboro has many of the same concerns as Central Station, primarily that the facility is not large enough for today's operations. One of the two engines housed in this station is a newly purchased truck. Last minute changes to the design were needed, at additional expense, prior to its completion because it would have been too large to fit into the station. Both trucks at Station II are the only trucks owned by the Department that will fit into that station. Many of the engines from area towns will not fit into Station 2.
- The proposed design at Station II would allow sufficient storage space to house the Police Department's two emergency trailers which currently park outside year round.

Chief Bucossi finished up by walking the body through a series of slide projections exhibiting the proposed renovations of Brattleboro's two fire stations.

Chief Bucossi yielded the floor to Police Chief Eugene Wrinn who enumerated issues with the current Police Department space as follows:

- Cell block area is basement level. The only means of leading prisoners to the cells is down a steep, narrow set of stairs that allows for single file only. In the event an incarcerated person needs medical attention, a rescue stretcher

cannot fit in the stairway.

- Locker rooms and four separate records storage rooms are also housed in the basement of the Municipal Center. Many permanent records have been lost to moisture, mold and flooding damage.
- The gym area in the basement does not have separate locker space for male and female officers; however, a temporary division has been created. Air quality is compromised. Mold is visible on the walls of the gym area in spite of a dehumidifier that runs 24 hours a day.
- The police area currently is separated by the building's central corridor which runs the length of the building. It is the goal of the proposed renovations to house the entire police department on one side of the building, utilizing its own separate entrance.
- With the dispatch division currently located off the central hallway, citizens seeking assistance must sit in the hallway while waiting for an available police officer. The area is accessible to anyone coming into the Municipal Center. It lacks privacy and a victim of abuse may be in a potentially unsafe situation in the hallway. The proposed space would have a safe, secure room for those waiting to be assisted.
- When a prisoner is currently brought to the station for processing the person is removed from the police cruiser outside and led up several steps into the station. Many prisoners use this opportunity to attempt to run away. The new design would create a sally-port for the secure transfer of prisoners from a patrol car to a processing station.

Questions and comments from the body were extensive.

- While the majority of members spoke of the dire need for improved facilities, many questioned the feasibility of funding the entire project at this time and suggested that perhaps accomplishing the renovations over time, one building at-a-time would be more prudent.
- Many were concerned that now was not the time to commit to a large bond and were fearful of the burden that would be placed on Brattleboro taxpayers as a result of voting yes on the article.
- Others expressed concern that renewable energy sources had not been considered in the design of the structures.
- Seeking local designers and contractors to follow through on the project, if passed, was urged.

Upon inquiry, Finance Director and Town Treasurer John O'Connor stated that taxpayers with a household income of less than \$47,000 may not be impacted adversely if the bond vote passed as their property taxes would be capped at 5% of their total income because of State income sensitivity payments.

John Wilmerding, member of the Brattleboro Finance Committee spoke in favor of the article. He stated that decades of putting the projects off had only increased the cost; bonds were currently available at the lowest rate ever and the Town had a moral obligation to its employees.

Following a lengthy debate, the current rules were further suspended for the purpose of discussing Article 1 and Article 3 simultaneously as the body felt that the two issues were strongly related.

Town Finance Director and Treasurer John O'Connor explained that the implementation of a local 1% sales option tax would yield the Town approximately \$660,000 in annual revenue to offset the cost of the bond debt. If the bond for the fire/police department renovations were to move forward without the passage of the 1% sales option tax in place, the effect on the town tax rate would result in an increase of 10 cents on the municipal tax rate. If the sales option tax were in place, the increase would be 4 cents.

Many downtown merchants were present to speak against the proposed sales tax. They stated that due to a variety of reasons, such as economic recession, competition from internet sales and the proximity of New Hampshire which does not have a sales tax, many downtown merchants were barely getting by. They feared

that the implementation of an additional tax would result in many businesses being forced to close their doors.

Selectboard member David Gartenstein stated that Brattleboro's tax rate was currently the third-highest municipal tax rate in the State. Because Brattleboro was the commercial hub for the southeast corridor, town residents were paying for services for tourists and those coming from surrounding towns on a daily basis for Brattleboro's services and for employment. The implementation of the sales tax would help defray the cost of the renovations.

Following a lengthy debate, David Gartenstein moved to end the suspension of the meeting rules. The motion was seconded and on a standing voice vote, the rules of the meeting were reinstated.

Although discussion for Article 1 occurred simultaneously with discussion of Article 3, there had been no motion read into the record regarding Article 1. Therefore, Selectboard Chairperson Richard DeGray made the following motion:

ONE PERCENT (1%) LOCAL OPTION SALES TAX: Under Article 1, Selectboard Chair Richard DeGray moved: That the Town assess a one percent (1%) local option sales tax in accordance with 24 Vermont Statutes Annotated Section 138.

Dart Everett moved to cease debate. With 77 members in favor of ceasing debate and 23 opposed, a two-thirds majority was achieved and debate ceased.

On a standing-voice, Article 1 was overwhelmingly defeated.

ADOPT OFFICE OF ASSESSMENT RESOLUTION: Under Article 2, Selectboard member Christopher Chapman moved: That the Town of Brattleboro amend the Brattleboro Town Charter by approving the Resolution adopted at the 2012 Annual Representative Town Meeting to amend Article VII, Section 4, relating to the Office of Assessment and the assessment of property within the Town of Brattleboro.

The resolution is as follows:

Whereas, at the 2011 Annual Representative Town Meeting a committee was appointed to make recommendations concerning Charter changes to the reappraisal process; and

Whereas, the Committee met on multiple occasions to discuss the recommendations; and

Whereas, the Committee reached agreement on its recommendations;

Whereas, pursuant to Article VII(c) of the Brattleboro Town Charter, the proposed amendment may be introduced "by resolution of the town meeting containing the full text of the proposed amendment, followed by at least one (1) public meeting warned for that purpose, and approved by the next annual town meeting or a special town meeting held not less than sixty (60) days following such public meeting, and subject to approval of the legislature"; and

Whereas, the Committee makes the following recommendations and requests the Annual Representative Town Meeting to make the resolutions to amend the Charter;

Now, Therefore, Be It Resolved that the Brattleboro Town Charter be amended as follows:

Article VI, Finances:

Section 4. Office of Assessment

Taxable property within the Town may be reappraised from time to time as may be deemed expedient by the Representative Town Meeting pursuant to a duly warned Article.

- A. There shall be an Office of Assessment headed by a professionally qualified assessor or equivalent hereafter known as the Town Assessor, who shall be appointed by the Town Manager.
- B. Except for the duties set forth in Article VII, Section 4(D), of this Charter, the Town Assessor shall have the authority and shall exercise all powers and shall be responsible to fulfill all duties assigned to the Listers in the Vermont Statutes and case law, including, but not limited to, appraisal of all real and business property for the purpose of establishing the Grand List, as set forth in Title 32, Section 3431. Appraisals shall be reviewed periodically and kept up to date.
- C. Neither the Town Assessor, nor any employee of the Department of Assessment staff, nor any independent contractor directly or indirectly providing services for the tax assessing function of the Town, may simultaneously serve as a Lister for this Town.
- D. The Board of Listers, elected at large under the authority of Article II, Section 1E of this by-law, having no appraisal power, shall function as a Board of Appeals with the authority to hear and adjudicate all appeals by citizens disputing Office of Assessment appraisals, and perform other advisory and educational functions for the office of assessment.

The motion was seconded and with little discussion, unanimously adopted.

OTHER BUSINESS:

The moderator recognized Kurt Daims. Mr. Daims neglected to use a microphone. Therefore his comments were not included in the electronic transcription nor available for inclusion into this written account of the meeting.

With no further business to come before the meeting, the Moderator reminded members that the polls would be open for 30 minutes past the recess of the meeting. At 12:50 p.m. he called a recess. until 1:20 p.m., at which time the ballot box would be opened and the vote count for Article 3 would commence.

At 1:20 p.m., the polls were declared closed. After declaring the polls closed, the ballot box was unlocked, and the box emptied. Ballots were counted by the town clerk and two assistant clerks. Upon completion of the count, all voted ballots were sealed in a bag.

The results of the vote of Article 3 are as follows:

FIRE STATIONS/POLICE DEPARTMENT RENOVATIONS – Article 3

YES	99
NO	34

Attest:

Annette L. Cappy
Town Clerk

Approved:

Richard DeGray
Selectboard Chairperson

Timothy J. O'Connor
Moderator