

**BRATTLEBORO SELECTBOARD  
TUESDAY, FEBRUARY 4, 2014  
EXECUTIVE SESSION – 5:30PM  
REGULAR MEETING – 6:15PM  
MINUTES**

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

Staff present: Interim Town Manager Patrick Moreland, Finance Director John O'Connor, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Police Chief Gene Wrinn, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Town Clerk Annette Cappy, Town Assessor Russell Rice, Police Officer Jeremy Evans, Police Officer Chase Stanley, Police Officer Caleb Currie, Police Officer Adam Belville, Police Officer Matt Petlock, Police Officer Colby Kerylow, Police Office Manager Ginny Yager, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA, Howard Weiss-Tisman representing the Brattleboro Reformer, and Olga Peters representing The Commons.

Others present: Carl Warner, Lisa Kerylow, Tiffany Kerylow Stanley, Jessica Petlock, Sheena Currie, Dorothy Pond, Steve Horton, Ray Giolitto, Kevin Yager, ASL Interpreters Elizabeth Bjerke and Janet Dickinson, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:30pm in the Selectboard meeting room. He confirmed that the meeting was officially warned.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL MATTERS WHERE THE SELECTBOARD HAS CONCLUDED THAT PREMATURE PUBLIC KNOWLEDGE AND DISCLOSURE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER, PUBLIC WORKS DIRECTOR, HIGHWAY/UTILITIES SUPERINTENDENT, AND TOWN ATTORNEY (EITHER IN PERSON OR REMOTELY BY TELEPHONE) WERE INVITED TO ATTEND THE FIRST PORTION OF THE SESSION. MOTION CARRIED 5-0.**

Chair Gartenstein reconvened the meeting at 6:15pm.

***APPROVE MINUTES***

**MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM JANUARY 21 AND JANUARY 29, 2014 AS PRESENTED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein said that the Board completed its work on the proposed FY15 budget and Warnings for the Representative Town Meeting and he said that he looked forward to continuing with the work of the Town. He said that the elections were coming soon and there were no contested seats for the Selectboard and most other town offices.

***MANAGER'S COMMENTS***

None.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

Gartenstein said that the Traffic Safety Committee met last week and it was formulating a process to review concerns brought about by the public through the Traffic Calming Plan and procedure. He encouraged the public to bring concerns to the Town's attention through the newly developed process.

***PUBLIC PARTICIPATION***

None.

## **LIQUOR COMMISSIONERS**

**MOTION BY DAVID SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

Approve Second Class Liquor & Tobacco Licenses – Martin’s Foods of South Burlington, LLC d/b/a Hannaford Supermarket. Moreland said that the Board was asked to approve second class liquor and tobacco licenses for Martin’s Foods of South Burlington, LLC, d/b/a Hannaford Supermarket. He said that the business changed from a corporation to a limited liability corporation and approval of a new license was required. There was no discussion by the Board.

**MOTION BY KATE O’CONNOR TO APPROVE SECOND CLASS LIQUOR AND TOBACCO LICENSES FOR MARTIN’S FOODS OF SOUTH BURLINGTON, LLC, D/B/A HANNAFORD SUPERMARKET, LOCATED AT 896 PUTNEY ROAD. MOTION CARRIED 5-0.**

Approve First Class Liquor License – Dorothy Pond, d/b/a Northside Subs & More. Gartenstein said that the Board was asked to approve a first class liquor license for Dorothy Pond, d/b/a Northside Subs & More. Dorothy Pond said that she recently opened the business, was changing the menu to include comfort food, and wanted to be able to serve drinks with the food. Moreland said that the business was in possession of a business license and that the application was approved by the Police and Fire Departments. There was a brief discussion.

**MOTION BY JOHN ALLEN TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR DOROTHY POND, D/B/A NORTHSIDE SUBS & MORE, LOCATED AT 648 PUTNEY ROAD. MOTION CARRIED 5-0.**

**MOTION BY DONNA MACOMBER TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

## **WATER AND SEWER COMMISSIONERS**

Schedule Special Meeting – Utility Budget, Rates, and Capital Plan. Gartenstein said that a special meeting would be scheduled in the near future to discuss the FY15 Utility Budget. He requested, and the Board agreed, to adjust the agenda and move this matter to the end of the meeting.

## **NEW BUSINESS**

Swearing in Ceremony – Four Police Recruits. Town Clerk Annette Cappy was present and swore in four new police officers – Caleb Currie, Matthew Petlock, Steven Chase Stanley, and Colby Kerylow. Police Chief Wrinn congratulated each of the new officers and provided them with a plaque. Board members also congratulated and applauded the new officers.

**NO ACTION TAKEN.**

Police-Fire Facilities Project – Update. Project Manager Steve Horton and Architect Ray Giolitto were present and updated the Board with the progress being made on the Police-Fire Facilities project. Horton said that the phase II environmental inspection was nearly complete on the Dunnell property and he expected an acceptable report. He also discussed the soil sample testings being undertaken at each of the three locations. Giolitto reviewed in detail several of the design plans for each of the three facilities. Fire Chief Bucossi and Police Chief Wrinn commented on the plans and indicated support for them. There were several questions and substantial discussion by the Board about the plans, the process and timeline to proceed, budget concerns, parking and external flow, and final approval of the plans.

**NO ACTION TAKEN.**

2014 Certificate of Highway Mileage – Approval, Department of Public Works. Public Works Director Barrett said that the Board was asked approve the annual certificate of highway mileage for submission to

the Vermont Department of Transportation. He said that there were no changes since last year's report. There was no discussion by the Board.

**MOTION BY DAVID SCHOALES TO APPROVE THE 2014 CERTIFICATE OF HIGHWAY MILEAGE AS PRESENTED. MOTION CARRIED 5-0.**

Award Bid – WWTP Outfall Pipe Project, Department of Public Works. Public Works Director Barrett spoke about the damage to the outfall pipe from the wastewater treatment plant into the Connecticut River due to Tropical Storm Irene and the need to repair the pipe. Highway/Utilities Superintendent O'Connell said that the Town previously applied to FEMA for funding to repair the outfall pipe, was denied, filed an appeal, and recently won the appeal, so the Town was now eligible for reimbursement for a portion of the cost of repairs to the pipe. She said that a RFP was published and three bids were received in response. She said that the bids were higher than the amount approved by FEMA. She reviewed the bids and asked that the Board approve the low bid from Kingsbury Companies in the amount of \$152,200. She also said that the Town applied for additional funds for the project. There was some discussion by the Board about the project, the requirement to complete it, and funding.

**MOTION BY DONNA MACOMBER TO AWARD A CONTRACT TO KINGSBURY COMPANIES OF WAITSFIELD, VERMONT, IN THE AMOUNT OF \$152,200, TO COMPLETE REPAIRS TO THE BRATTLEBORO OUTFALL PIPE. MOTION CARRIED 5-0.**

Grant Application – Communications Equipment Grant, Brattleboro Fire Department. Fire Chief Bucossi and Assistant Fire Chief Peter Lynch were present. Chief Bucossi said that the Board previously approved an application for a FEMA communications grant but he since learned about a second communications grant from Vermont Division of Emergency Management and Homeland Security (VDEMHS), and he asked that the Board to approve the VDEMHS grant application in the amount of \$72,232 to replace portable radios, mayday decoder, and some voice pagers. He said that the VDEMHS grant was 100% funded and would not require a match. He said that he was still hopeful that the FEMA grant would be approved and, if so, a portion of the grant could be accepted and the communications equipment portion of it could be declined. There was some discussion by the Board about the two grants and the relationship to the pending HSGP Law Enforcement Terrorism Prevention Grant for communications equipment for which the Police Department recently applied, which was the next item on the agenda.

The Board agreed to discuss the next agenda item in conjunction with this matter and to decide the matter at the end of the discussion.

HSGP Law Enforcement Terrorism Prevention Grant – Update. Police Chief Wrinn said that he received a preliminary decision on the first grant (HSGP Law Enforcement Terrorism Prevention Grant) that the repeater portion of it would not be awarded, but he expected to receive an award of approximately \$96,000 for the portable mobile radios portion of the grant. He said that he also intended to apply for a VDEMHS grant in order to focus on the purchase of a digital repeater system, but was in the process of obtaining cost estimates before submitting the request. Moreland discussed both the Fire and Police Departments' communications plans, and said that the State would not consider the two departments' VDEMHS grant requests as competitive but rather as complementary to the Town's overall communications plans. There was discussion by the Board about the Fire Department's grant application, the relocating of communications equipment for both departments, and the Police Department's grants.

**MOTION BY DAVID SCHOALES TO APPROVE A GRANT APPLICATION TO THE VERMONT DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY IN THE AMOUNT OF \$72,232 TO REPLACE ALL PORTABLE RADIOS AND PAGERS, AND TO PURCHASE A MAYDAY DECODER. MOTION CARRIED 5-0.**

**NO ACTION TAKEN ON THE HSGP LAW ENFORCEMENT TERRORISM PREVENTION GRANT.**

FY13 Financial Audit – Discussion, Finance Department. Finance Director O'Connor discussed the FY13 audit and reviewed several highlights from the audit. There was some discussion by the Board about various aspects of the audit.

**NO ACTION TAKEN.**

Business License Fines – Assessor's Office. Town Assessor Russell Rice discussed the requirement for businesses to obtain a Business License each year by January 1 as required by ordinance. He said that approximately 880 businesses had obtained licenses this year but almost 50 known businesses had not yet obtained their license and were now subject to a penalty of \$25 and fine of \$100. He said that the Assessment Office sent out three reminder notices to businesses who had not yet obtained the license. Moreland said that Chapter 11 of the ordinances clearly established the procedure and fines, and he asked the Board to review and approve the late filing fee and penalty for operating a business without a business license. There was discussion by the Board about the license, ordinance, fines, and procedure.

**MOTION BY JOHN ALLEN TO ACCEPT THE 2014 BUSINESS LICENSE FINE LIST AS PRESENTED AND TO DIRECT THE ASSESSOR'S OFFICE TO IMPOSE THE LATE FEE OF \$25 AND A SEPARATE PENALTY OF \$100 FOR OPERATING A BUSINESS WITHOUT A LICENSE. MOTION CARRIED 5-0.**

Hiring Pause – Discussion. Board member O'Connor said that it became evident during budget discussions that the Board should hold long-term budget discussions throughout the year. She suggested that the Board have an opportunity to discuss a vacated personnel position before it is filled in order to better understand the position, salaries and benefits, and to provide an opportunity to better plan for the future. When asked by the Board, three department heads spoke against the hiring pause. Public Works Director Barrett said that budget discussions provided the Board with budgetary oversight and that a balance in the hiring procedure already existed between the Town Manager and Department Heads. He also said that previous Boards implemented such a practice and found that it was not useful. Police Chief Wrinn said that hiring pauses were already built into the hiring/firing procedure. He said that the Police Department had limited opportunities to send officers and staff to training, and a pause may delay staffing and affect productivity and effectiveness. Fire Chief Bucossi said that the Board justified staffing levels during the budget process, and suggested that hiring delays may cause overtime situations within his Department. There was much discussion by the Board and general agreement that a hiring pause would present another tool for year-round budgeting, that salaries and benefits were a major part of the budget, that the Board had a responsibility to be proactive over the budget and to see that levels of service correspond with the ability to pay. The Board agreed to take up the matter at its next regular meeting.

**NO ACTION TAKEN.**

Committee Appointments – Tree Advisory Committee, Senior Solutions Board. Gartenstein said that the Board was asked to appoint committee members to the Tree Advisory Committee and the Senior Solutions Board. There was a brief discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO APPOINT ROSAMOND BLAKE TO THE TREE ADVISORY COMMITTEE AND SUMMER BURCH TO THE SENIOR SOLUTIONS BOARD. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Schedule Informational Town Meeting and Caucuses – Wednesday, March, 12, 6:00pm, Academy School. Gartenstein said that the Board was asked to schedule the annual Informational Town Meeting and caucuses. Moreland said that the meeting was traditionally held on the Wednesday during the week preceding Representative Town Meeting, and suggested that the meeting be scheduled at the Academy School on Wednesday, March 12, 2014, at 6:00pm. There was a brief discussion.

**MOTION BY KATE O'CONNOR TO HOLD THE INFORMATIONAL TOWN MEETING ON WEDNESDAY, MARCH 12 AT 6:00PM AT ACADEMY SCHOOL. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

At this time the Board took up an agenda item that was previously delayed.

Schedule Special Meeting – Utility Budget, Rates, and Capital Plan. Gartenstein suggested that the Board meet for one hour next week, from 7:30am to 8:30am, to begin discussions on the FY15 Utilities Budget. The Board was asked to provide their schedules to Executive Secretary Anderson who would schedule and warn the special meeting.

***CORRESPONDENCE AND MEETINGS***

Gartenstein read the dates and times of Town committee meetings and other upcoming events.

**MOTION BY DONNA MACOMBER TO ADJOURN AT 8:59PM. MOTION CARRIED 5-0.**

---

David Schoales, Clerk