

**BRATTLEBORO SELECTBOARD  
TUESDAY, FEBRUARY 17, 2015  
EXECUTIVE SESSION - 5:30PM  
REGULAR MEETING – 6:15PM  
MINUTES**

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

Staff present: Town Manager Peter B. Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Finance Director John O'Connor, Town Clerk Annette Cappy, Recreation & Parks Director Carol Lolatte, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Highway/Utilities Superintendent Hannah O'Connell, Fire Chief Mike Bucossi, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA and Howard Weiss-Tisman representing the Brattleboro Reformer.

Others present: Jerry Goldberg, James Banslaben, Moss Kahler, Peter Gaskill, Cassandra Holloway, Russ Grabiec, Jane Southworth, ASL Interpreters Janet Dickinson and Elizabeth Bjerk, 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 LABOR RELATIONS AGREEMENTS WITH EMPLOYEES AND CONTRACTS, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN, THE SELECTBOARD, AND OTHER PERSONS AND ENTITIES INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND TOWN ATTORNEY WERE INVITED TO ATTEND. MOTION CARRIED 3-0.**

Gartenstein reconvened the business meeting at 6:15pm.

***APPROVE MINUTES***

**MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM JANUARY 29, 2015 AND FEBRUARY 3, 2015 AS PRESENTED. MOTION CARRIED 3-0.**

***CHAIR'S REMARKS***

Chair Gartenstein noted that only three Board members were present and any action would require all three members' votes. He thanked the Public Works Department for their efforts to clear snow from streets and parking lots during the past two weeks with the substantial snow and cold weather. He asked the public for their cooperation in moving cars when snow removal was being performed. He noted that the Harris Hill Ski Jump was well attended over the past weekend and thanked the participants. Gartenstein said that Town Manager Elwell was looking at economic development in a comprehensive way that would unfold in the future, and that he looked forward to coalition building and regional cooperation in a more directive way going forward.

***MANAGER'S COMMENTS***

Town Manager Elwell also thanked members of Public Works for their work in removing snow from the streets and sidewalks, and that public information and enforcement would be implemented through the Police Department to the media and public to be more efficient and informative. He also recognized Fire Chief Bucossi who was the point person on informing staff and emergency crews about upcoming weather forecasts so the necessary team shared pertinent information and remained organized to act when necessary. He also announced that the location of the Selectboard meeting on March 3 would be moved to the BCTV studios on the 3rd floor of the Municipal Building, and the time of the Traffic Safety Committee meeting on February 24 was moved to 2:30pm.

### **SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Kate O'Connor thanked the Department of Public Works on behalf of the downtown business owners for snow removal efforts from the downtown area during the past few storms.

### **PUBLIC PARTICIPATION**

Dick DeGray thanked the Town, on behalf of the Downtown Alliance, for snow removal efforts in the downtown area during the past few weeks. He also thanked the many volunteers, organizers, and participants in the Harris Hill Ski Jump. He said that the ski jump was a unique, first class, and world class event that took place each year, and he asked the public to continue to support the event. He also noted that the March 3 ballot contained a question posed to the voters about the one-percent local option sales tax and he spoke in support of the tax as another source of revenue for the Town.

Cassandra Holloway, from Brattleboro Area Prevention Coalition, thanked the Board and Town Clerk Annette Cappy for enforcement of the Town's liquor policies, and she thanked the licensees for their attendance at the responsible beverage service trainings that were held every three months with support from the Department of Liquor Control.

### **LIQUOR COMMISSIONERS**

**MOTION BY KATE O'CONNOR TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 3-0.**

Liquor License, Outside Consumption Permit, and Entertainment License Renewals – Annual Renewals. Gartenstein said that the Board was asked to approve annual renewals of liquor licenses, outside consumption permits, and entertainment licenses under a new renewal procedure for the year beginning May 1. Elwell said that under the new procedure, the Town Clerk provided the Board with a list of every business that held such licenses and/or permits last year and the Board was asked to approve the list as a whole contingent upon approval by Town staff, submission of an application by each establishment, and approval by the State Department of Liquor Control (DLC). Town Clerk Cappy discussed the new procedure and violations that were noted on the list of renewals. Gartenstein read the names of businesses with violations that had been reported by DLC. He read separately the multiple violations by Vermont Asian Gourmet at 911 Western Avenue. There was discussion by the Board and it was agreed that the owners of Vermont Asian Gourmet be invited to appear before the Board to discuss its renewal application when submitted, and that DLC provide information explaining that business' response to violations and provide information about ongoing oversight of that business. Allen also noted that Milagros Mexican Kitchen was now out of business.

**MOTION BY JOHN ALLEN TO APPROVE FOR RENEWAL THE LIST OF ESTABLISHMENTS CURRENTLY POSSESSING LIQUOR LICENSES, OUTSIDE CONSUMPTION PERMITS, AND ENTERTAINMENT LICENSES, AS PRESENTED WITH THE TOWN CLERK'S MEMORANDUM DATED FEBRUARY 5, 2015, AND SUBJECT TO THE CONDITIONS THAT EACH ESTABLISHMENT FILE A COMPLETE APPLICATION AND RECEIVE APPROVAL FROM THE STATE LIQUOR CONTROL BOARD, WITH THE EXCEPTION OF VERMONT ASIAN GOURMET AND MILAGROS MEXICAN KITCHEN. MOTION CARRIED 3-0.**

**MOTION BY JOHN ALLEN TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 3-0.**

### **UNFINISHED BUSINESS**

Pay-As-You-Throw (PAYT) Implementation – Gartenstein said that at the February 12 meeting, the Board heard from the PAYT committee and agreed to vote on a series of motions at this meeting. Elwell said that subsequent to the February 12 meeting, Moss Kahler and a representative from Waste Zero were engaged in communications about collaborative efforts, and he suggested that the Board defer decision on potential motion #6 to the March 3 Selectboard meeting. There was some discussion by the Board and it was also agreed to discuss proposed amendments to the Code of Ordinances addressing the PAYT program at a later meeting. Kahler provided an updated information guide that he prepared regarding the new programs. Southworth recognized the amount of work by Kahler and previous volunteers to provide information about PAYT. Gartenstein said that the Board was asked to vote on the recommendations made by the PAY committee.

**MOTION BY DAVID GARTENSTEIN TO USE DRAWSTRING BAGS IN TWO COLOR-CODED SIZES: ±15 GALLONS AND ±32 GALLONS AS PART OF BRATTLEBORO'S IMPLEMENTATION OF THE PAY-AS-YOU-THROW SYSTEM. MOTION CARRIED 3-0.**

**MOTION BY DAVID GARTENSTEIN THAT AS PART OF THE PAY-AS-YOU-THROW PROGRAM, THAT THE TOWN OF BRATTLEBORO SET THE PRICE OF THE SMALL SIZE BAGS AT \$2 PER BAG AND THE PRICE OF THE LARGE SIZE AT \$3 PER BAG. MOTION CARRIED 3-0.**

**MOTION BY DAVID GARTENSTEIN THAT THE TOWN SELL INDIVIDUAL BAGS AT THE TREASURER'S OFFICE IN THE MUNICIPAL CENTER AND AT THE RECREATION AND PARKS DEPARTMENT OFFICE IN THE GIBSON-AIKEN CENTER. MOTION CARRIED 3-0.**

**MOTION BY DAVID GARTENSTEIN TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A ONE-YEAR CONTRACT WITH WASTE ZERO, INC., OF RALEIGH, NORTH CAROLINA, TO SUPPLY DRAWSTRING BAGS IN TWO SIZES, AS SET FORTH IN WASTE ZERO'S BID RESPONSE DATED NOVEMBER 26, 2014 AND AS AUTHORIZED IN THE FIRST TWO MOTIONS. MOTION CARRIED 3-0.**

**MOTION BY DAVID GARTENSTEIN TO CONTRACT WITH WASTE ZERO FOR RETAIL INVENTORY, DISTRIBUTION, AND INVOICING SERVICES, AS SET FORTH IN OPTION B OF WASTE ZERO'S BID RESPONSE DATED NOVEMBER 26, 2014 AND TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO THAT CONTRACT WITH WASTE ZERO. MOTION CARRIED 3-0.**

**MOTION BY DAVID GARTENSTEIN TO AUTHORIZE THE EXPENDITURE OF \$24,950 TO IMPLEMENT PARALLEL COLLECTION AS REQUIRED BY ACT 148 AND \$9,100 FOR ORBIS COMPOST CARTS WITH THE UNDERSTANDING THAT THE COSTS WILL BE OFFSET BY SAVINGS IN OTHER PARTS OF THE TOWN'S FY15 GENERAL FUND BUDGET. MOTION CARRIED 3-0.**

Proposed Charter Amendment Fact Sheet – Gartenstein reviewed the history of three petitions that had been received by the Town and that would be included on the March 3 ballot. He provided a revised information sheet addressing the proposed Charter amendments and he read the full information sheet. O'Connor suggested that the Information Sheet contain a note that it was prepared and endorsed by the Selectboard. There was a brief discussion by the Board.

**MOTION BY DAVID GARTENSTEIN THAT THE BRATTLEBORO SELECTBOARD ENDORSE THE PROPOSED BRATTLEBORO CHARTER AMENDMENT INFORMATION SHEET AND AUTHORIZE ITS DISTRIBUTION TO MEDIA OUTLETS IN THE BRATTLEBORO AREA. MOTION CARRIED 3-0.**

#### ***NEW BUSINESS***

FY14 Audits – Elwell said that the June 30, 2014 auditor's report, Single Audit and auditors' letter to the Selectboard were available to the public. He said that the audit and the single audit were clean reports with no findings again this year, which showed O'Connor's attention to detail and leadership. He thanked Finance Director John O'Connor, the management team, and Finance Department for their hard work. There was a brief discussion.

**NO ACTION TAKEN.**

Financial Report – Monthly Report, January. Finance Director O'Connor discussed the January, 2015 financial report. There was a brief discussion.

**NO ACTION TAKEN.**

Library Board of Trustees Appointment – Brooks Memorial Library. Jerry Goldberg, President of the Library Board of Trustees, said that the Board was asked to approve the Trustees' nominations of Adam Franklin-Lyons, Robert Stack, and Susan Troy to fill three-year Trustee seats (2015-2018), and Debra

Loevy-Reyes who was appointed previously in the year to fill an unexpired seat ending March, 2017. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE THE NOMINATION OF ADAM FRANKLIN-LYONS AND ROBERT STACK (AS SET FORTH IN ARTICLE 12 OF THE WARNING FOR THE REPRESENTATIVE TOWN MEETING TO BE HELD ON MARCH 21, 2015) AND SUSAN TROY (AS SET FORTH IN THE MEMORANDUM DATED FEBRUARY 4, 2015 FROM THE LIBRARY BOARD OF TRUSTEES) TO FILL THREE-YEAR SEATS (2015-2018) ON THE BROOKS MEMORIAL LIBRARY BOARD OF TRUSTEES, AND TO ADD DEBRA LOEVY-REYES WITH HER TERM ENDING ON MARCH, 2017 AS REFLECTED IN THE TOWN MEETING WARNING. MOTION CARRIED 3-0.**

Town Road and Bridge Standards – Certification of Compliance, Department of Public Works. Highway/Utilities Superintendent Hannah O’Connell asked the Board to approve the annual Certification of Compliance for Town Road and Bridge Standards. She provided a brief summary of the Road and Bridge Standards and discussed the purpose of the certification. There was a brief discussion.

**MOTION BY KATE O’CONNOR TO APPROVE THE CERTIFICATION OF COMPLIANCE FOR TOWN ROAD AND BRIDGE STANDARDS. MOTION CARRIED 3-0.**

Union Street/Western Avenue Safety Improvements Project – Elwell spoke about the cost of the project and said that costs were higher than originally anticipated and the grant funds previously awarded were not sufficient to complete the project. He said that four options were provided to the Board in a memo and that option #3, which consisted of completing construction of the project primarily using the Town’s forces with some additional funds, was recommended. Highway/Utilities Superintendent O’Connell provided a history of the project, summary of engineering work, and public concerns. She said that a grant was previously awarded by VTrans in the amount of \$70,000 for design and construction of safety improvements at the Union Street/Western Avenue intersection but that the cost of the project was now higher. She said that with the grade and configuration of intersections, it was a complicated project and the current construction estimate was \$79,629.28, plus additional engineering work as required by the grant, leaving a shortfall of slightly over \$53,000. She reviewed the four options that were being proposed, and discussed the recommended option #3 using Town forces, crews, equipment, and materials on-hand, with additional equipment and expertise required for an additional cost of approximately \$15,000. Elwell further discussed the four proposed options and the reasons for recommending option #3. O’Connell provided and discussed diagrams of the existing intersection and proposed improvements. There was substantial discussion by the Board about the dangers at the intersection, proposed options, costs, use of the unassigned fund balance, and changes in pedestrian and vehicular traffic resulting from the modifications.

**MOTION BY KATE O’CONNOR TO APPROVE STAFF’S RECOMMENDATION TO CONSTRUCT THE UNION STREET/WESTERN AVENUE PROJECT USING IN-HOUSE STAFF AND RESOURCES AT AN APPROXIMATE OUT-OF-POCKET COST OF \$15,000 FROM THE FY15 OPERATING BUDGET. MOTION CARRIED 3-0.**

Approve Grant Application – Vermont Department of Emergency Management and Homeland Security Special Operations Capabilities Enhancement Grant, Fire Department. Fire Chief Bucossi said that the Board was asked to approve the application for a \$13,527.45 Special Operations Capabilities Enhancement Grant to the Vermont Department of Emergency Management and Homeland Security to pay for 25 high visibility jackets and miscellaneous safety equipment for the Fire Department. There was no discussion.

**MOTION BY DAVID GARTENSTEIN TO APPROVE SUBMITTING AN APPLICATION FOR A \$13,527.45 SPECIAL OPERATIONS CAPABILITIES ENHANCEMENT GRANT FROM THE VERMONT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY TO PAY FOR 25 HIGH VISIBILITY JACKETS AND MISCELLANEOUS SAFETY EQUIPMENT. MOTION CARRIED 3-0.**

Approve Grant Application – Vermont Department of Emergency Management and Homeland Security VCOMM Grant, Fire Department. Fire Chief Bucossi said that the Board was asked to approve the

application for a \$7,672.80 VCOMM Grant to the Vermont Department of Emergency Management and Homeland Security to purchase two mobile radios for the Fire Department. There was no discussion.

**MOTION BY KATE O’CONNOR TO APPROVE SUBMITTING AN APPLICATION FOR A \$7,672.80 VCOMM GRANT FROM THE VERMONT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY TO PURCHASE TWO REPLACEMENT MOBILE RADIOS. MOTION CARRIED 3-0.**

Approve Grant Application – *Vermont Department of Emergency Management and Homeland Security Law Enforcement Terrorism Prevention Program Grant, Police Department.* Police Chief Fitzgerald and Captain Mark Carignan were present. Chief Fitzgerald said the Board was asked to approve the application for a \$6,125.00 Law Enforcement Terrorism Prevention Program Grant to the Vermont Department of Emergency Management and Homeland Security to purchase a mobile data terminal, associated software, and mounting hardware for the Police Department. Fitzgerald also announced that Officers Ryan Washburn and Greg Eaton were recently appointed to the Detective division. There was a brief discussion.

**MOTION BY JOHN ALLEN TO APPROVE SUBMITTING AN APPLICATION FOR A \$6,125.00 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT FROM THE VERMONT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY TO PURCHASE A MOBILE DATA TERMINAL, ASSOCIATED SOFTWARE, AND MOUNTING HARDWARE. MOTION CARRIED 3-0.**

Award Bid – *West River Park Snack Bar / Restroom Facility.* Recreation & Parks Director Carol Lolatte said that the Board was asked to award the bid for construction of the West River Park Snack Bar/ Restroom Facility to the low bidder, Ingram Construction of Swanzey, New Hampshire, for \$63,734.00. She said that five bids were received and she spoke about the bids and improvements that would be made to the park. O’Connor asked if consideration could be given to a Vermont company even though it was not the lowest bid. There was some discussion by the Board. Administration was asked to investigate the procurement policy and the Board agreed to defer the matter to the March 3 Selectboard meeting.

**NO ACTION TAKEN.**

Appointment of Deputy Health Officer – *Cathy Barrows.* Elwell said that the Board was asked to recommend that the Vermont Department of Health re-appoint Cathy Barrows as Deputy Health Officer for a three year term ending in March, 2018. There was no discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO RECOMMEND THAT THE VERMONT DEPARTMENT OF HEALTH RE-APPOINT CATHY BARROWS AS DEPUTY HEALTH OFFICER FOR A THREE YEAR TERM ENDING IN MARCH, 2018. MOTION CARRIED 3-0.**

Committee Appointment – *BASIC (Brattleboro Area Skatepark Is Coming).* Gartenstein said that the Board was asked to appoint Les Montgomery to the BASIC (Brattleboro Area Skatepark Is Coming) Committee. He asked the Town Manager to consult with BASIC about the appointment. The Board agreed to defer the matter to the March 3 Selectboard meeting.

**NO ACTION TAKEN.**

**CORRESPONDENCE AND MEETINGS**

Elwell said that past practice was to read the dates and times of Town committee meetings and other upcoming events, but that it was not necessary. The Board chose not to do so.

There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 8:15PM. MOTION CARRIED 3-0.**

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David Schoales, Clerk