

**BRATTLEBORO SELECTBOARD  
TUESDAY, MARCH 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, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Gene Wrinn, and Executive Secretary Jan Anderson.

Media present: Howard Weiss-Tisman representing the Brattleboro Reformer.

Others present: James Banslaben, Stephanie Bonin, Keith Arnold, Peter Falion, Beth M. Shrader, David J. Emery, Robin Sweetapple, Philip B. Chapman, Anthony P. Farnum, John Wilmerding, Jason Cooper, Paul Cameron, Stewart McDermet, Steve Phillips, Kathy Dowd, Tad Montgomery, Prudence MacKinney, Ray McNeill, Ray Giolitto, Steve Horton, ASL Interpreters Janet Dickinson and Elizabeth Bjerke, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:35pm in the Selectboard meeting room. He confirmed that the meeting was officially warned.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL, CONTRACT, AND LITIGATION MATTERS WHERE THE SELECTBOARD HAS CONCLUDED THAT PREMATURE PUBLIC KNOWLEDGE AND DISCLOSURE WOULD PUT THE TOWN AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER MAY BE INVITED TO ATTEND A PORTION OF THE MEETING. MOTION CARRIED 5-0.**

Chair Gartenstein reconvened the meeting at 6:15pm.

***APPROVE MINUTES***

**MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM FEBRUARY 18, 2014 AS PRESENTED. MOTION CARRIED 5-0.**

Allen noted a typographical error on page 4. Executive Secretary Anderson agreed to correct the error.

**MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM FEBRUARY 18, 2014 AS AMENDED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein said that today was election day and that polls would be open until 7:00pm. He encouraged voters to vote. He also said that the condition of the roads had been discussed at the last meeting and since then the roads had been patched and were in better shape, although there were still rough areas. He said that the Town would continue to pay close attention to the condition of Western Avenue and noted that another storm or cold weather would continue to affect the condition of the road. He said that it would be months until long term fixes could be made and asked drivers to drive carefully in the meantime.

Gartenstein recognized and congratulated firefighters Captain Mark Geno and Lieutenant Dan Hiner for their recent promotions. He thanked them for their years of service and wished them well in their new positions.

### **MANAGER'S COMMENTS**

Interim Town Manager Moreland said that Western Avenue had been patched and was now in better condition but noted that additional freezing and thawing would affect the patchwork. He asked that drivers drive slowly and drive carefully until warmer months when a more permanent solution could be made.

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

Allen said that during the past weekend he drove to a local ski area and noted that many roads in the area contained potholes and were in difficult condition. He also said he recognized that many members of the Police-Fire Facility Building Committee were in attendance and would address the Board later in the meeting.

Gartenstein said that the Traffic Safety Committee met last week and adopted a motion asking the Selectboard to consider expanding the sidewalk snowplowing route to include the sidewalk on the east side of Cedar Street running north to Myrtle Street, and to adjust Public Work's budget to pay for the additional work. He also said that questions were raised during the meeting about whether public parking should be allowed on Speno Court. He said that the Committee would discuss the matter at its next meeting [Tuesday, March 25, 8:30am] and consider proposals to eliminate all parking on Speno Court. He encouraged anyone with concerns to attend the next meeting.

Gartenstein announced that a meeting to discuss a scoping study for safety improvements on Western Avenue in the Academy School area was scheduled on Thursday, March 6 at 6:00pm meeting at Academy School. He invited the public to attend the meeting to participate in discussions about the re-design and traffic calming improvements in the area. He also said that a public meeting regarding the Union Hill/Western Avenue intersection would be scheduled at a later date.

### **PUBLIC PARTICIPATION**

John Wilmerding said that he recently moved to District 2 and was running for Town Meeting Representative in that district. He said there were a number of vacant seats in District 2 and encouraged anyone interested in becoming a Representative to attend the Informational Town Meeting caucuses on Wednesday, March 12. Gartenstein confirmed that the Informational Town Meeting was scheduled at Academy School on Wednesday, March 12 at 7:00pm, with caucuses starting at 6:30pm.

### **LIQUOR COMMISSIONERS**

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

Second Class Liquor License – Three Dollar Dewey's Inc. d/b/a/ McNeill's Pub and Brewery. Moreland said that the Board was asked to approve a second class liquor license for McNeill's Pub and Brewery, located at 90 Elliot Street. Ray McNeill was present and said that he moved the brewing operation to the Elliot Street location and wanted to sell bottled beer from there. He briefly discussed regulations for retailing beer at the manufacturing location. There was a brief discussion by the Board.

#### **MOTION BY JOHN ALLEN TO APPROVE A SECOND CLASS LIQUOR LICENSE FOR THREE DOLLAR DEWEY'S, INC., D/B/A MCNEILL'S PUB AND BREWERY, LOCATED AT 90 ELLIOT STREET. MOTION CARRIED 5-0.**

First Class Liquor License – Adventure Restaurant Group, Inc. d/b/a Duo Restaurant. Moreland said that the Board was asked to approve a first class liquor license for Adventure Restaurant Group, Inc., d/b/a Duo Restaurant, to be located at 136 Main Street in the Brooks House. Keith Arnold and Stephanie Bonin, owners of Duo Restaurant, were present and discussed their plans for the restaurant. Arnold said the menu would be seasonally focused, farm-to-table, contemporary American cuisine. Beth Shrader, from Brattleboro Area Prevention Coalition, said that the owners were new to Brattleboro so it was a good opportunity to remind the applicants and others about additional liquor requirements for Brattleboro, including having and adhering to an alcohol sales policy. There was a brief discussion by the Board.

**MOTION BY DONNA MACOMBER TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR ADVENTURE RESTAURANT GROUP, INC., D/B/A DUO RESTAURANT, LOCATED AT 136 MAIN STREET.**

Special Event Permit – Champlain Orchards Inc. Moreland said that the Board was asked to approve a Special Event Permit for Champlain Orchards, Inc., located at 3597 Route 74 West, Shoreham, Vermont. He said that the event would be held at the Robert H Gibson River Garden on June 6, between 5:30pm and 8:30pm, and would coincide with Gallery Walk and Strolling of the Heifers weekend. Beth Shrader, Brattleboro Area Prevention Coalition, noted that Brattleboro has additional alcohol sales policies and inquired whether the applicant would be informed about and required to adhere to the policies. Gartenstein said that all applicants are required to follow the same policies and asked Executive Secretary Anderson to confirm with the Town Clerk that the applicants will be expected to adhere to all alcohol sales policies. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE A SPECIAL EVENT PERMIT FOR CHAMPLAIN ORCHARDS, INC., OF SHOREHAM VERMONT FOR FRIDAY, JUNE 6 BETWEEN THE HOURS OF 5:30PM AND 8:30PM AT THE ROBERT H GIBSON RIVER GARDEN LOCATED AT 157 MAIN STREET. MOTION CARRIED 5-0.**

Liquor & Tobacco License Renewals – Annual Renewals. Moreland said that the Board was asked to approve the annual renewal of liquor and tobacco licenses, all of which expire on April 30 each year. He said that a list of renewal applicants was presented to the Board in their packets and that only one establishment had a reported violation. Gartenstein read the names of the establishments on the list. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE THE LIST OF ESTABLISHMENTS REQUESTING ANNUAL RENEWAL OF LIQUOR AND TOBACCO LICENSES.**

Gartenstein offered a friendly amendment to revise the motion to include language to approve the renewal of liquor and tobacco licenses, rather than simply approving the list. Allen accepted the friendly amendment.

**AMENDED MOTION BY JOHN ALLEN TO APPROVE RENEWALS OF LIQUOR AND TOBACCO LICENSES FOR THE BUSINESSES ON THE LIST. MOTION CARRIED 5-0.**

Outside Consumption Permit – Brattleboro Country Club. Moreland said that the Board was asked to approve an outside consumption permit for the Brattleboro Country Club. He said that the club held a first class liquor license for many years but due to an oversight had not obtained an outside consumption permit to serve drinks and food on the front porch, outside deck, and patio. There was a brief discussion by the Board.

**MOTION BY KATE O’CONNOR TO APPROVE AN OUTSIDE CONSUMPTION PERMIT FOR THE BRATTLEBORO COUNTRY CLUB LOCATED AT 52-59 SENATOR GANNETT DRIVE. MOTION CARRIED 5-0.**

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

***WATER AND SEWER COMMISSIONERS***

**MOTION BY JOHN ALLEN TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.**

Utility Abatements – Tri-Park Mobile Home Co-Operative. Moreland said that the Board was asked to abate the remaining utility balances from three demolished mobile homes in Tri-Park that were damaged by Tropical Storm Irene. He said that the homes were situated in the floodway, that they had been removed, and DPW had since capped the utilities. He said that no new housing units would be permitted at the locations. Gartenstein clarified that the amounts to be abated were \$294.99 for 18 Brookwood Drive, \$145.90 for 30 Brookwood Drive, and \$725.87 for Edgewood Drive. There was a brief discussion.

**MOTION BY DAVID GARTENSTEIN TO ABATE THE UTILITY BALANCE OF \$294.99 FOR 18 BROOKWOOD DRIVE, \$145.90 FOR 30 BROOKWOOD DRIVE, AND \$725.87 FOR 5 EDGEWOOD DRIVE. MOTION CARRIED 5-0.**

Utility Rates – Gartenstein said that the Board was asked to adopt new water and sewer rate schedule, and later in the meeting would take steps to amend the ordinances accordingly. Moreland said that the Board previously met to review proposed changes to the water and utility rates. He said that Administration recommended a 6% annual increase for the next five years on sewer base, usage and unmetered rates, and a 2% annual increase for the next five years on water base and usage rates as discussed. There was a brief discussion by the Board, including that the timing of the rate change would be adjusted to coincide with the fiscal year.

**MOTION BY DONNA MACOMBER TO ADOPT THE RATE SCHEDULE AS PRESENTED, WHICH REPRESENTS AN ANNUAL RATE INCREASE OF 6% FOR SEWER BASE, USAGE AND UNMETERED RATES AND AN ANNUAL RATE INCREASE OF 2% FOR WATER BASE AND USAGE RATES. MOTION CARRIED 5-0.**

**MOTION BY DAVID SCHOALES TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.**

### ***UNFINISHED BUSINESS***

Laying Out Public Road – New England Drive, Reschedule Site Visit and Public Hearing. Gartenstein said that the Board was asked to change the date of the site visit and public hearing in connection with laying out a public road on New England Drive. Schoales read the revised public notice rescheduling the site visit at 176 New England Drive to April 7, 2014 at 5:30pm, with the public hearing to follow at approximately 6:15pm in the Selectboard meeting room at the Municipal Center. There was no discussion.

**MOTION BY DAVID GARTENSTEIN TO RESCHEDULE THE PUBLIC HEARING AND SITE VISIT AT 176 NEW ENGLAND DRIVE TO APRIL 7, 2014 AT 5:30PM, AS PART OF THE LAYING OUT OF A PUBLIC ROAD PREVIOUSLY TAKEN UP AT THE REGULAR BRATTLEBORO SELECTBOARD MEETING ON 2-18-14. MOTION CARRIED 5-0.**

### ***NEW BUSINESS***

FY13 Single Audit – Finance Department. Finance Director O'Connor discussed the FY13 A133 Single Audit, with a review of the Town's federal grants and comments on the Town's financial controls. He said that the single audit was information for the general public and the accompanying letter from the auditors was directed to the Selectboard as required by the generally accepted auditing standards. He discussed some of the aspects and highlights in the letter and the audit. Moreland said that this was the second year in a row that the single audit reported no findings. The Board acknowledged that it was a significant accomplishment and congratulated O'Connor and his staff for their fine work.

### **NO ACTION TAKEN.**

Grand List Attestation – Town Assessor. Moreland said that the Board was asked to approve the Certificate of Attestation provided by the Town Assessor. He said that following the first Tuesday in February each year, the Town must report to the State any pending appeals of lawsuits against the previous year's Grand List. He said that the memo from the Town Assessor Russell Rice stated that there were no such pending appeals or lawsuits. There was a brief discussion.

**MOTION BY DAVID SCHOALES TO APPROVE THE CERTIFICATE OF ATTESTATION FOR THE 2013 GRAND LIST. MOTION CARRIED 5-0.**

Police And Fire Facilities Building Committee - Design Plans. Gartenstein noted that members from the Police-Fire Facilities Building Committee were present and he turned the discussion over to the

Committee and the design team. Present from the Committee were: Co-Chairs Robin Sweetapple and Steve Phillips, Committee members David Emery, Philip Chapman, Tony Farnum, Kathy Dowd, and Prudence MacKinney. Present from the design team were: Steve Horton, Project Manager, and Ray Giolitto, Project Architect. Horton said that the Committee approved the design concepts and plans at its meeting last week, and that the Board was asked to approve the plans at this meeting. He said that in mid-May, the design team would again appear before the Committee and Board to seek design approval before sending the construction project out to bid. He said that a milestone schedule would soon be made available.

Giolitto then provided an overview of plans for West Brattleboro Fire Station that had been approved by the Committee and presented to the public last week. Many Board members asked questions, and voiced comments and opinions about the plans for West Brattleboro Fire Station. Schoales spoke of his concerns about the size of the station, its location, the cost, the structure's dominance in the neighborhood, and the possibility of reducing the cost by having a smaller design. There was much discussion by the design team, other Board members, Committee members, Fire Chief Bucossi, and Police Chief Wrinn, including costs to change the design plans, intended use of the space, indoor storage for the communications trailer and other equipment, visual impact of the building, location of the building, consequences in delays in the design and construction, planning for future growth and use, and reductions already from the original plans.

Sweetapple asked if the design team could provide a photograph of the area overlapped with the fire station building to scale. Phillips said that the Committee had discussed the design at public meetings, had previously approved this design, and had not received objections from members of the public or others about the proposed building design. He spoke of concerns and consequences in terms of delay, expense, and unpredictable market costs that a delay would cause.

Moreland spoke about purposes of the renovations, including problems with air quality, inadequate size of the building, size of new equipment, and lack of storage space for equipment, all while maintaining a focus on keeping costs reasonable.

John Wilmerding, member of Finance Committee, said that the Finance Committee had been studying the project and costs and he spoke in support of planning for future. He said that taxpayers were concerned about the cost. He also suggested having a dialog about repurposing the existing West Brattleboro station and suggested issuing a RFP for use of the building.

Stewart McDermet, from the West Brattleboro Association, said he was interested in the future use of the existing building, that he had concerns about costs, and concerns about destroying a structure when it could be used for other purposes. He suggested studying the issue before a decision was made. He also spoke in support of Schoales' suggestion to move the new structure back away from street.

Sweetapple noted that the Police-Fire Committee had been charged with oversight of the improvements and cost-savings, but not with the future use of the existing building.

Tad Montgomery suggested housing the communications trailer within the existing building and then reduce the size of the proposed building.

James Banslaben said that more was better when protecting emergency personnel.

Peter Falion spoke of energy concerns with all of the new three facilities and in support of climate protection. He inquired as to the plans to use a propane system in the West Brattleboro station citing concerns amount emissions and the cost of propane, and suggested using sustainable fuel sources such as wood pellets. He encouraged a continuation of energy discussions within the project.

There was also discussion by the Board about the process before the next design approval in mid-May, the intended use of the existing fire station, changes made in original design plans, cuts in plans and costs that were originally proposed, and the need to plan for the long-term.

Gartenstein then asked the design team for a presentation on Central Fire Station. Giolitto reviewed and discussed plans to renovate the current Central Fire Station building and for the new, attached building. He said that no changes had been made since the last presentation to the Board.

Schoales cited concerns over costs and spending and he questioned whether the third floor space was necessary and whether it was affordable to use the old apparatus bays for the storing equipment. He suggested consolidating in order to save project costs.

John Wilmerding suggested redesigning the front corner of the new building to provide for a small observation window in the tower for surveillance over Elliot Street in order to hamper crime in the area.

Jason Cooper spoke in support of providing an adequate footprint to contemplate for future use. He said that systems could be changed in the future but changing the footprint was improbable and very expensive.

James Banslaben supported having more room to accommodate technology changes and the need to grow.

There was discussion by the Board, design team, and Chief Bucossi about the use of the old and new apparatus bays, the purpose and use of the third floor space, accommodating a new location for the Emergency Operations Center (EOC), equipment and vehicles that currently had to be stored outside in the elements, health safety hazards in the current building, planning for the future, and reductions made in the design and costs from the original designs.

Gartenstein then asked the design team for a presentation on the Police Station. Giolitto reviewed the design plans for the Police Station that had been previously presented to the Board. He said that the only significant change made was the redesign of the parking lot, including adding traffic calming barriers and redirection of general traffic. He reviewed the updated parking and traffic flow design.

O'Connor inquired about the handicap parking space and voiced concerns about the distance of the parking space to the Library and about aesthetics of the building design.

Jason Cooper suggested moving all parking to the south side of the exit driveway. He also spoke about his objections to the aesthetics of the new building.

Prudence MacKinney encouraged keeping adequate parking close to the State building.

John Wilmerding commented on matching old and new designs and he encouraged continued focus on costs as the project unfolded.

There was further discussion by the Board and the design team about parking, handicapped parking, traffic flow, challenges of adding a new structure onto a historic structure, maintaining security for police functions, and space needs for the present and future. Gartenstein thanked the members of the Police-Fire Committee, design team, and others for their diligence and attention to detail and cost savings.

**MOTION BY DAVID SCHOALES TO APPROVE THE DESIGNS AS PRESENTED BY THE POLICE AND FIRE FACILITIES BUILDING COMMITTEE AND TO AUTHORIZE NORTHEAST COLLABORATIVE ARCHITECTS TO PROCEED WITH THE DEVELOPMENT OF FINAL CONSTRUCTION DOCUMENTS. MOTION CARRIED 5-0.**

Gartenstein called for a recess at 8:35pm. He reconvened the meeting at 8:40pm.

Accept and Appropriate Grant – HSGP Law Enforcement Terrorism Prevention, Brattleboro Police Department. Police Chief Wrinn said that the Police Department had been awarded a grant in the amount of \$95,960 from the Vermont Division of Emergency Management and Homeland Security for the purchase of portable radios, and he asked the Board to accept and appropriate the grant. There was a brief discussion.

**MOTION BY DONNA MACOMBER TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$95,960 FROM THE VERMONT DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY FOR THE PURCHASE OF P25 COMPLIANT PORTABLE AND MOBILE RADIOS. MOTION CARRIED 5-0.**

Approve Grant Application – Electric Vehicle Charging Station, Vermont Downtown Program, Planning Services. Paul Cameron, Energy Coordinator, and Jason Cooper, member of the Energy Committee, were present. Cameron asked the Board to approve a grant application in the amount of \$10,500 to the Vermont Downtown Program for the purchase and installation of two electric vehicle charging stations for the Transportation Center. Cameron said that the grant required a match of \$3,500 and the Energy Committee was seeking local support. Cooper spoke about an obsolete charging station that previously had been installed but never used because of the changing technology. There was a brief discussion by the Board.

**MOTION BY O’CONNOR TO APPROVE A GRANT APPLICATION TO THE VERMONT DOWNTOWN PROGRAM IN THE AMOUNT OF \$10,500 TO SUPPORT THE PURCHASE AND INSTALLATION OF TWO VEHICLE CHARGING STATIONS FOR THE TRANSPORTATION CENTER. MOTION CARRIED 5-0.**

Ordinance Amendment – Utility Rates, Chapter 18, Article II, Division 5, Section 18-137, and Chapter 18, Article III, Division 2, Section 18-163, First Reading. Moreland said that the Board was asked to hold a first reading on the proposed amendments to Chapter 18, water and sewer rates. Gartenstein said that Section 18-137 and Section 18-163 of Chapter 18 of the Code of Ordinances would be revised to provide for new water and sewer rates from 2014 through 2019, as approved earlier in the meeting. He read a portion of the revised rates for the 5/8” size pipe, and asked that all of the proposed changes be posted on the Town’s website and in public places at Town Hall. There was a brief discussion by the Board.

**NO ACTION TAKEN.**

Town Manager Search – Ratify Vermont League of Cities and Towns (VLCT) Agreement, Approve Schedule and Advertising. Gartenstein said that he executed a service contract on February 20 with Vermont League of Cities and Town (VLCT) to conduct a new Town Manager search, and asked that the Board ratify the contract. He said that VLCT submitted a schedule of advertising, schedule of proposed ad dates, and memo with a timeline for the selection process, all of which were given to the Board in their packets. John Wilmerding suggested that the Board consider having a modest management performance audit done by an impartial third party to review matters such as the operation of the Town, efficiencies, and overruns in cost. There was no discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO RATIFY THE CONTRACT WITH THE VERMONT LEAGUE OF CITIES AND TOWNS DATED FEBRUARY 20, 2014, AND TO APPROVE THE SCHEDULE AND ADVERTISING RELATING TO THE SEARCH FOR A NEW TOWN MANAGER. MOTION CARRIED 5-0.**

Selectboard Goals – Discussion. The Board agreed to pass on the matter and discuss it at the next meeting.

**NO ACTION TAKEN.**

**CORRESPONDENCE AND MEETINGS**

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

**MOTION BY JOHN ALLEN TO ADJOURN AT 9:04PM. MOTION CARRIED 5-0.**

---

David Schoales, Clerk