

**BRATTLEBORO SELECTBOARD  
TUESDAY, APRIL 7, 2015  
EXECUTIVE SESSION – 5:30PM  
REGULAR MEETING – 6:15PM  
MINUTES**

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

Staff present: Town Manager Peter B. Elwell, Assistant Town Manager Patrick Moreland, Public Works Director Steve Barrett, Fire Chief Michael Bucossi, Assistant Fire Chief Peter Lynch, Recreation & Parks Director Carol Lolatte, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, and Executive Secretary Jan Anderson.

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

Others present: James Banslaben, Mark Raymond, Jia Wang Guang, Kelli Corbeil, Stephanie Larson, ASL Interpreters Elizabeth Bjerke and Janet Dixon, 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 in the Municipal Center. He confirmed that the meeting was officially warned.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING OR PROBABLE CIVIL LITIGATION OR A PROSECUTION, TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, AND LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, WITH A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD, TOWN, AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 3-0 (MACOMBER WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Chair Gartenstein reconvened the meeting at 6:15pm. He noted that one Selectboard member was not present and another member had to leave the meeting early due to a scheduling conflict, so the agenda would be adjusted to hear certain items while a majority of the members were present. The Board agreed to adjust the order and amount of agenda items, and move procedural items to the end of the meeting. Gartenstein also noted that the regular April 21 meeting may be rescheduled to another date due to scheduling conflicts.

***LIQUOR COMMISSIONERS***

**MOTION BY DAVID SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.**

Outside Consumption Permit – *Approve Permit (2 areas) for Fraternal Order of Eagles, 2445, Inc.* Town Manager Elwell said that the Board was asked to approve an outside consumption permit for two locations at the Fraternal Order of Eagles, located at 54 Chickering Drive. There was a brief discussion.

**MOTION BY DAVID SCHOALES TO APPROVE AN OUTSIDE CONSUMPTION PERMIT FOR THE FRATERNAL ORDER OF EAGLES, LOCATED AT 54 CHICKERING DRIVE. MOTION CARRIED 4-0.**

Festival Permit – *Approve Permit for Four Seasons Media, Inc., d/b/a Brattleboro Brewers Festival.*

Gartenstein said that the Board was asked to approve a festival permit for Four Seasons Media, Inc., d/b/a Brattleboro Brewers Festival. Tim Johnson, Kelli Corbeil and Stephanie Larson, from WTSA, were present and discussed the Brattleboro Brewers Festival on May 16, between the hours of 12:30pm and 4:30pm on Famolare Field at the Vermont Agriculture Business Education Center on Old Guildford Road. There was a brief discussion.

**MOTION BY DONNA MACOMBER TO APPROVE A FESTIVAL PERMIT FOR FOUR SEASONS MEDIA, INC., D/B/A BRATTLEBORO BREWERS FESTIVAL FOR MAY 16, BETWEEN THE HOURS OF 12:30PM AND 4:30PM, ON FAMOLARE FIELD, AT THE VERMONT AGRICULTURE BUSINESS EDUCATION CENTER ON OLD GUILFORD ROAD. MOTION CARRIED 4-0.**

Liquor License Renewal – *Approve License Renewal for Panda West, LLC, d/b/a Vermont Asian Gourmet.* Gartenstein said that the Board was asked to approve a first class liquor license for Panda West, LLC d/b/a Vermont Asian Gourmet, located at 911 Western Avenue. He said that the business had a history of violations and asked the representatives from the business to speak about the business and its response to the violations and settlement terms. Mark Raymond and Jia Wang Guang were present. Raymond discussed the past violations, restructured procedures, and the business in general. There was a brief discussion by the Board.

**MOTION BY KATE O’CONNOR TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR PANDA WEST, LLC, D/B/A VERMONT ASIAN GOURMET, LOCATED AT 911 WESTERN AVENUE. MOTION CARRIED 4-0.**

**MOTION BY DAVID SCHOALES TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.**

#### **WATER AND SEWER COMMISSIONERS**

**MOTION BY DONNA MACOMBER TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.**

Black Mountain Gravity Sewer Main Project – *Award Bid.* Public Works Director Steve Barrett said that the Board was asked to award a bid for construction of the Black Mountain Gravity Sewer Line, in the amount of \$899,250, to Kingsbury Companies, LLC of Waitsfield, Vermont. He said that the Black Mountain Gravity sewer line was the final segment of the estimated \$32.8 million Wastewater Treatment Plant Project, and he discussed the project and the two bids that were received. He said that Kingsbury Companies, LLC submitted the lowest bid and recommended that the bid be awarded to that company. Town Manager Elwell reported that the overall cost of for the wastewater treatment plant project came in under budget by approximately \$356,000, that the bonded amount was \$639,000 less than the anticipated bond figure, and that the total debt of the project was slightly over \$30 million, which was approximately \$287,000 below the expected cost). There was some discussion by the Board about the project and the bids.

**MOTION BY DONNA MACOMBER TO AWARD A BID IN THE AMOUNT OF \$899,250 TO KINGSBURY COMPANIES OF WAITSFIELD, VERMONT, FOR COMPLETION OF THE BLACK MOUNTAIN GRAVITY SEWER LINE. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Gartenstein noted that Board member David Schoales left the meeting to attend a Windham Southeast Supervisory Union meeting about education restructuring issues so he could prepare to testify on the matter in Montpelier tomorrow.

**MOTION BY DONNA MACOMBER TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THIS TIME).**

#### **UNFINISHED BUSINESS**

Property Assessed Clean Energy Program (PACE) – *Update.* This matter was not taken up at this meeting.

**NO ACTION TAKEN.**

#### **NEW BUSINESS**

Cemetery Seasonal Maintenance Contract – Award Bid, Recreation & Parks Department. Recreation & Parks Director Lolatte said the Board was asked to award a bid for seasonal cemetery maintenance services, in the amount of \$17,800, to Turner & Renaud of Dummerston, Vermont. She said that Turner & Renaud was the only bidder to respond to the RFP. There was a brief discussion.

**MOTION BY KATE O’CONNOR TO AWARD A BID IN THE AMOUNT OF \$17,800, FOR SEASONAL CEMETERY MAINTENANCE SERVICES TO TURNER & RENAUD OF DUMMERSTON, VERMONT. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THIS TIME).**

Self-Contained Breathing Apparatus (SCBA - Air Packs) – Approve Loan, Fire Department. Fire Chief Bucossi and Assistant Fire Chief Lynch were present. Bucossi said that the Board was asked to approve a three-year loan for \$222,000 with Merchant’s Bank at an interest rate of 1.44% for the purchase and replacement of air packs for the Fire Department. He discussed the importance of air packs in the role of firefighters and the age and inadequacies of the current air packs. He said that three bids were received and Merchant’s Bank was the low bidder. There was a brief discussion.

**MOTION BY DONNA MACOMBER TO APPROVE TO APPROVE A THREE-YEAR LOAN IN THE AMOUNT OF \$222,000 WITH MERCHANT’S BANK, AT AN INTEREST RATE OF 1.44% FOR THE PURCHASE OF AIR PACKS FOR THE BRATTLEBORO FIRE DEPARTMENT. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THIS TIME).**

Highway Safety Law Enforcement Grant – Approve Grant Application, Police Department. Police Chief Fitzgerald and Captain Carignan were present. Fitzgerald spoke about the Highway Safety Law Enforcement Grant and said that the Board was asked to approve a grant application in the amount of \$31,763.25 to the Vermont Department of Public Safety for highway safety enforcement activities, such as seat belt and DUI enforcement. There was no discussion.

**MOTION BY KATE O’CONNOR TO APPROVE A HIGHWAY SAFETY LAW ENFORCEMENT GRANT APPLICATION, IN THE AMOUNT OF \$31,763.25, TO THE VERMONT DEPARTMENT OF PUBLIC SAFETY FOR HIGHWAY SAFETY ENFORCEMENT ACTIVITIES. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THIS TIME).**

Presentation of Proposed Zoning Code/Land Use Regulation (LUR) Amendments – District Boundaries, Planning Department. This matter was not taken up at this meeting.

**NO ACTION TAKEN.**

Comprehensive Review of Town Operations and Financial Planning Project – Town Manager Elwell. This matter was not taken up at this meeting.

**NO ACTION TAKEN.**

Municipal Center Life Safety Improvements – Town Manager Elwell. Town Manager Elwell said that the Division of Fire Safety inspected the Municipal Building for fire safety compliance, found several deficiencies, and issued a report of violations last year. He said that a variety of improvements were required to bring the building into compliance with applicable fire safety codes. He spoke about the inadequacies of the fire safety systems in the building and obligations by the Town to bring the building into compliance. He said that a plan was being developed to address the problems in stages, and that Representative Town Meeting authorized some funds for the project at the March, 2015 meeting. He said that the fire alarm system was a critical element to better protect the lives of the people occupying the building and that element would be addressed first. He said that an RFP for the upgrade or replacement of alarm systems had recently been issued. He expected to report back to the Board at the next meeting or the May 5 meeting with results of bids and to request authorization for expenditure of funds in a specific amount with specific purposes for the replacement or upgrade of the fire alarms. Elwell said that the Board was also asked to authorize him to prepare a plan by September 30 to outline the work to be completed and a timeline for completion of the other elements of the project so that the building would be in compliance with all fire codes in two years. He said that September 30 was being proposed to provide ample time to complete the plan and to accommodate formulation of a plan to proceed with the Police-

Fire Facilities Project which would overlap with the Municipal Center upgrades. There was some discussion by the Board.

**MOTION BY DAVID GARTENSTEIN THAT THE SELECTBOARD DIRECT THE TOWN MANAGER TO CONTINUE WITH THE BIDDING PROCESS TO UPGRADE THE FIRE ALARM SYSTEM AT THE MUNICIPAL CENTER, TO RETURN TO THE SELECTBOARD AS SOON AS POSSIBLE WITH THE LOWEST AWARDBLE BID THAT WILL COMPLY WITH THE REQUIREMENTS OF THE VERMONT DIVISION OF FIRE SAFETY, AND TO WORK WITH THE VERMONT DIVISION OF FIRE SAFETY TO DEVELOP A PLAN FOR THE REMAINING LIFE SAFETY IMPROVEMENTS REQUIRED AT THE BRATTLEBORO MUNICIPAL CENTER FOR APPROVAL BY THE SELECTBOARD PRIOR TO SEPTEMBER 30, 2015, INCLUDING A CONSTRUCTION SCHEDULE THAT WILL ACHIEVE FULL COMPLIANCE WITHIN TWO YEARS. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THIS TIME).**

Representative Town Meeting Follow-Up – Discussion. This matter was not taken up at this meeting.

**NO ACTION TAKEN.**

Annual Selectboard Assignments – Committees and Boards. This matter was not taken up at this meeting.

**NO ACTION TAKEN.**

Rules for Conduct of Meetings and Hearings – Discussion. This matter was not taken up at this meeting.

**NO ACTION TAKEN.**

Selectboard Goals – Discussion. This matter was not taken up at this meeting.

**NO ACTION TAKEN.**

***PUBLIC PARTICIPATION***

None.

***CHAIR'S REMARKS***

Gartenstein thanked participants for a productive Representative Town Meeting two weeks ago. He also extended gratitude to three long-time employees who recently retired or would retire soon, being Lt. Marty Rancourt who worked for the Fire Department for 30 years, Lt. Bob Kirkpatrick who worked for the Police Department for 24 years, and Tom Barrows who worked for the Public Works Department for 35 years. He also noted that the April 21 Selectboard meeting would be rescheduled to a different date because of scheduling conflicts with Board members, and that the new date would be announced soon.

There was no further business.

**MOTION BY DONNA MACOMBER TO ADJOURN AT 7:05PM. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THIS TIME).**

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David Schoales, Clerk