

**BRATTLEBORO SELECTBOARD
TUESDAY, JUNE 3, 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, Town Attorney Robert Fisher, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Executive Secretary Jan Anderson, and others who did not sign the attendance sheet.

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

Others present: Leon Boyd, James Banslaben, Terry Carter, Robin Sweetapple, 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 CONTRACT, LITIGATION, AND PERSONNEL MATTERS WHERE THE BOARD HAS CONCLUDED THAT PREMATURE PUBLIC DISCLOSURE AND KNOWLEDGE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. THE PUBLIC WORKS DIRECTOR, HIGHWAY/UTILITIES SUPERINTENDENT, TOWN ATTORNEY, AND INTERIM TOWN MANAGER WERE INVITED TO ATTEND VARIOUS PORTIONS OF THE SESSION. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Chair Gartenstein reconvened the regular meeting at 6:18pm.

APPROVE MINUTES

MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM MAY 13, MAY 15, MAY 16, MAY 20, MAY 21, MAY 22, AND MAY 27, 2014 AS PRESENTED. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

CHAIR'S REMARKS

Chair Gartenstein stated that Board member Kate O'Connor was expected later in the meeting and that she was presently representing the Town at a meeting of the Agency of Commerce and Community Development who was discussing the Vermont Yankee agreement and grant funds (\$2 million per year) that would be made available to Windham County for economic activity after the closure of the VY plant. He also noted that the FY15 budget was approved last night at a Special Representative Town Meeting by vote of 112 to 12. He said that with the budget in place the Board would look to move other projects forward, including the Police-Fire project. He also noted that there was much activity on the streets in Town, including the Brooks House reconstruction project and the Strolling of the Heifers parade on Saturday and corresponding events on Friday and Sunday.

MANAGER'S COMMENTS

Interim Town Manager Moreland announced that Police Chief Gene Winn would be retiring as of June 27 after serving the Town for 28 years as a dedicated and responsible public servant. He said that Chief Wrinn would be missed.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Allen thanked the Board, Department Heads, Moreland, and Anderson for all of the hard work that went into budget discussions over the past few months. He acknowledged that it was a very difficult process. He also gave a special thanks to the ASL interpreters Janet Dickinson and Elizabeth Bjerke for their hard work yesterday at the Special Representative Town Meeting, especially through the roll call where they had to spell 124 names.

PUBLIC PARTICIPATION

Leon Boyd noted that he had been officially appointed as the Town's Service Officer.

LIQUOR COMMISSIONERS

MOTION BY JOHN ALLEN TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Special Event Permit – Flag Hill Farm Inc., Strolling of the Heifers Friday Night Event, June 6.

Gartenstein said that the Board was asked to approve a special event permit for Flag Hill Farm, Inc. Moreland said that the special event was part of the annual Strolling of the Heifers Friday night festivities on June 6 at the Robert H. Gibson River Garden between the hours of 5:30pm and 8:30pm. He said that this would be the fifth liquor application for the event. There was discussion by the Board about the timing of the application and the number of permits previously approved for the event. Allen spoke in favor of the permit so as not to single out one applicant. The Board requested that next year the Strolling organizers provide the Board with all of the liquor applications at one time and with more advance notice.

MOTION BY JOHN ALLEN TO APPROVE A SPECIAL EVENT PERMIT FOR FLAG HILL FARM, INC., FOR FRIDAY, JUNE 6, AT THE ROBERT H. GIBSON RIVER GARDEN, BETWEEN THE HOURS OF 5:30PM AND 8:30PM. MOTION FAILED 1-3 (GARTENSTEIN, SCHOALES, AND MACOMBER OPPOSED; O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

MOTION BY DONNA MACOMBER TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

NEW BUSINESS

Parade Permit – By The People: Brattleboro Goes Fourth. Moreland said that the Board was asked to approve a parade permit for the annual Fourth of July parade, scheduled on July 4 from 10:00am to 12:00noon starting at the high school and ending at the Common. He also said that the parade was organized by a citizen committee and the committee was accepting donations to assist with the costs, including the fireworks at 9:30pm on July 4. There was a brief discussion.

MOTION BY DAVID SCHOALES TO APPROVE A PARADE PERMIT FOR “BY THE PEOPLE: BRATTLEBORO GOES FOURTH” FOR FRIDAY, JULY 4TH. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Financial Management Questionnaire - Finance Department. Finance Director John O'Connor said that the Board was asked to acknowledge receipt of the annual Financial Management Questionnaire as required by 24 V.S.A. Section 1571. He reviewed the Questionnaire. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO ACKNOWLEDGE RECEIPT OF THE ANNUAL FINANCIAL MANAGEMENT CHECKLIST AS REQUIRED BY 24 V.S.A. SECTION 1571. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Award Bid – Cooke Road Bridge Project, Department of Public Works. Public Works Director Barrett and Highway/Utilities Superintendent O'Connell were present and discussed the Cooke Road Bridge project. Barrett said that this was one of two remaining projects left over from the damage caused by Tropical Storm Irene. O'Connell said that the project went out to bid for engineering and construction services for a design build project, and four bids were received. She said that the low bidder did not meet the requirements in the RFP as it was not on the VTrans prequalification list, so she recommended that the

Board award the bid to the second low bid, which was Cold River Bridges for \$437,171. Finance Director John O'Connor said that FEMA funding was \$90,000 short but that the Town previously set aside matching funds and that the remaining funds were available in the Committed Fund Balance Account. O'Connell and Barrett discussed the discrepancy between the Federal funding and the State's requirements to replace the bridge. O'Connell said that a scope change would be submitted, as well as an appeal for additional federal funds from FEMA, but was not optimistic that the additional funds would be granted. There was some discussion by the Board.

MOTION BY DAVID SCHOALES TO AWARD A CONTRACT IN THE AMOUNT OF \$437,171 TO COLD RIVER BRIDGES FOR A DESIGN BUILD PROJECT TO REPLACE THE COOKE ROAD BRIDGE. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Sunset Lake Road Bridge Project – *Department of Public Works*. Gartenstein said that he asked Department of Public Works for a status of the project because construction had stalled and was now resuming. Public Works Director Barrett said that the project was a State project dating back to 2011 and funded 90% by the State and 10% by the Town. He said that the bridge reconstruction bid was awarded to Renaud Brothers in December but construction could not take place until June 1 due to State regulations around the proximity to the stream. He said that the construction work should be completed this fall with the final plantings and project work to be completed in June, 2015. There was some discussion about the use of the bridge by emergency and overweight vehicles.

NO ACTION TAKEN.

Staffing Level Review - *Brattleboro Fire Department*. Fire Chief Bucossi said that a seven year firefighter resigned his position and had accepted a job out of town. He discussed the need to hire another firefighter to replace him. Gartenstein said that matter was for the Board's information and that no action was necessary.

NO ACTION TAKEN.

Grant Amendment – *VDEMHS Communications Grant Amendment, Brattleboro Fire Department*. Fire Chief Bucossi and Assistant Fire Chief Lynch were present. Chief Bucossi said that the Board was asked to accept and appropriate a grant amendment from the Vermont Division of Emergency Management and Homeland Security in the amount of \$1,790, for the purchase of a mayday receiver. He said that the mayday receiver was part of the original grant application but was not included in the first round of funding. Chief Bucossi also discussed the timeframe for moving the communications equipment from Wantastiquet Mountain to various other locations. There was a brief discussion.

MOTION BY DONNA MACOMBER TO ACCEPT AND APPROPRIATE A GRANT AMENDMENT IN THE AMOUNT OF \$1,790 FROM THE VERMONT DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY FOR THE PURCHASE OF A MAYDAY DECODER. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Grant Application – *2014 Edward J. Byrne Justice Assistance Grant, Brattleboro Police Department*. Police Chief Wrinn and Captain Fitzgerald were present. Chief Wrinn said that the Board was asked to approve a grant application to the Edward J. Byrne Memorial Justice Assistance Grant Program in the amount of \$21,073 to support officer time and overtime for proactive drug enforcement activities and to purchase an equipment upgrade. There was no discussion.

MOTION BY JOHN ALLEN TO APPROVE A GRANT APPLICATION TO THE BUREAU OF JUSTICE EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$21,073 TO SUPPORT OFFICER TIME AND OVERTIME FOR PROACTIVE DRUG ENFORCEMENT ACTIVITIES AND TO PROVIDE AN EQUIPMENT UPGRADE FOR THE CELLBRITE SYSTEM. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Annual Dog Warrant - *Brattleboro Police Department*. Gartenstein said that the Board was asked to approve the annual dog warrant. He discussed the statutory requirement and reviewed the terms of the

warrant. Police Chief Wrinn discussed the licensing and impoundment procedure. Terry Carter inquired about wolf hybrids. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE THE ANNUAL DOG WARRANT. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Police-Fire Facilities Project – Discussion, Future Planning. Gartenstein said that with the recent passage of the Town's FY15 budget, the Board was asked to begin discussions about how to proceed with the police-fire facilities upgrade project. Each of the Board members expressed and discussed their opinions about how to proceed with some or all of the project. Robin Sweetapple, Chair of the Police-Fire Facilities Committee, spoke in support of proceeding with the project as previously voted upon. Terry Carter spoke of some suggestions. Fire Chief Bucossi spoke in favor of the overall project and against any suggestions to eliminate the West Brattleboro Fire Station. There was substantial discussion by the Board followed by general directions to administration. Moreland said that in order to understand the Board's direction, he summarized that (1) the Board asked the Police-Fire Facilities Committee to further develop alternatives that were previously identified, and (2) that the Fire Department and Town Manager's Department develop a clear assessment of the need for maintaining the West Brattleboro Fire Station, and that both matters be brought back before the Board for further discussion and direction.

NO ACTION TAKEN.

Committee Appointments – Gartenstein said that the Board was asked to make appointments to various committees. He nominated the following:

Arts Committee - Kathryn Turnas II, and Douglas Cox for terms ending June, 2017

Brattleboro Housing Authority - Christine Connelly for a term ending, June, 2019

Citizen Police Communications Committee (CPCC) - James Banslaben and Robyn Flatley for terms ending June, 2015; and Georgia Morgan for a term ending June, 2016

Development Review Board - James A. Valente and Rebecca Balint for terms ending June, 2017

Development Review Board (Alternate) - David Cadran for a term ending June, 2015

Energy Committee - Michael Bosworth for a ending June, 2016 (as corrected by friendly amendment)

Energy Coordinator - Paul Cameron for a term ending June, 2015

Honor Roll - Sherwood D. Lake Sr., for a term ending June, 2015

Pay-As-You-Throw Committee/Working Group (PAYT) - Carl Hirth and Jane Southworth for terms ending June, 2015

Recreation & Parks Board - Ricky Davidson and Ben Underhill for terms ending June, 2017

Rescue, Inc., Trustee, - Debra Chapman for a term ending June, 2015

Weigher of Coal - Tim O'Connor for a term ending term ending June, 2015

Executive Secretary Anderson asked for a friendly amendment confirming that the term for the Energy Committee member ended June, 2016 (and not 2015). Gartenstein accepted the friendly amendment. There was no further discussion by the Board.

NOMINATIONS CARRIED 5-0.

CORRESPONDENCE AND MEETINGS

Kate O'Connor read the dates and times of Town committee meetings and other upcoming events.

Gartenstein announced at 7:47pm that the Board would enter into executive session to discuss a personnel matter. He said that no further business would be conducted after the executive session.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER WHERE THE BOARD HAS DETERMINED THAT PREMATURE PUBLIC DISCLOSURE AND KNOWLEDGE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Gartenstein reconvened the meeting at 8:10pm. There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 8:10PM. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

David Schoales, Clerk