

**BRATTLEBORO SELECTBOARD  
TUESDAY, JULY 19, 2016  
EXECUTIVE SESSION – 5:15PM  
REGULAR MEETING - 6:15PM  
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Town Clerk Annette Cappy, Police Chief Mike Fitzgerald, Library Director Starr LaTronica, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer and BCTV staff and volunteers.

Others present: Dale Joy, Adam Salviani, William Isch, Angel Francia-Mackinnon, Tad Montgomery, Doug Cox, Scott Castle, Nicola Williams, Katrina Lingard, David Woodbury, Police-Fire Project Owner's Manager Steve Horton, Michael Bosworth, Architect Ray Giolitto, Jim Verzino, Michelle Simpson-Siegel, ASL interpreters Elizabeth Fox and Janet Dickinson, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:15pm. He confirmed that the meeting was officially warned.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, PENDING AND PROBABLE CIVIL LITIGATION, NEGOTIATION OF A REAL ESTATE LEASE, AND EMPLOYMENT OF A PUBLIC OFFICER OR EMPLOYEE, WHERE GENERAL PREMATURE PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN, SELECTBOARD, AND OTHER PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, ASSISTANT TOWN MANAGER, AND TOWN ATTORNEY WERE INVITED TO ATTEND. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Gartenstein reconvened the meeting at 6:20pm.

***APPROVE MINUTES***

Gartenstein asked if Board members had corrections or revisions to the minutes from the June 28 and July 5 meetings. Allen noted a typo in a citizen's name in the June 28 minutes on page 1 at lines 48 and 50. Executive Secretary Anderson said that the name would be corrected. There was no further discussion.

**MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM JUNE 28 AND JULY 5, 2016 AS AMENDED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein announced that Town Clerk Annette Cappy would be retiring as of December 31, 2016 after 27 years of service. He said she was a Brattleboro native and spoke of her many accomplishments while employed by the Town, including supervising dozens of elections and 41 Town Meetings, and issuing thousands of birth certificates, death certificates, marriage licenses and dog licenses. He said she made history when she issued the first Civil Union License in the U.S. on July 1, 2000. He said she held numerous leadership positions with the Vermont Municipal Clerks & Treasurers Association and was elected the Vermont Town Clerk of the Year in 2012. He said that although she would retire at the end of the calendar year, she had agreed to assist if necessary with the March, 2017 elections and Town Meeting. He thanked her for her commendable service to the Town.

## **MANAGER'S COMMENTS**

None.

## **SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Schoales announced that the Brattleboro Farmers Market now held a Downtown Market on Tuesday evenings from 4:00pm to 7:00pm on Flat Street, and he invited the public to attend and support the Farmers Market.

Gartenstein said that he was the Brattleboro representative to the Route 30 Scoping Study Committee. He said the committee met yesterday and discussed ambitious plans to change the layout of Route 30 from the Cedar Street intersection to the Cersosimo development to the north of the I-91 overpass, and the changes were intended to make the area safer, slower, and pedestrian and bicycle friendly. He briefly described the proposed changes to the road and noted concerns about traffic flow and transition. He said that one proposal would move a portion of Route 30 out of State control and into Town control which would have a significant impact on ongoing maintenance and operation of the road in that area and include a significant financial burden to the Town. He said that a Scoping Study would be provided to the Selectboard at a later meeting.

## **PUBLIC PARTICIPATION**

William Isch spoke through ASL Interpreter Elizabeth Fox. He said that he lived on Western Avenue across from Holton Home and had concerns for the safety of seniors crossing Western Avenue. He suggested adding a flashing light at that location to signal people crossing the street. Elwell noted that the Town recently applied for a State grant to partially fund installation of such a crossing light at that location. There was a brief discussion by the Board.

Angel Mackinnon said she recently saw a bicyclist crash while going over railroad tracks on Vernon Street. She said there was a bicyclists' caution sign facing one direction and asked if a similar sign could be installed for bicyclist traveling both directions. Elwell said that the tracks at that location had been deemed unnecessary and they would be removed from the roadway at some point in the future.

## **LIQUOR COMMISSIONERS**

### **MOTION BY JOHN ALLEN TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

#### Approve Liquor Applications – Vermont JerkFest

- (i) *Educational Sampling Event and Special Event Permit, River Garden, August 5.*
- (ii) *Festival Event and Special Event Permit, Vermont Agricultural Business Education Center, August 6*

Elwell said that the Board was asked to approve an Educational Sampling Event Permit for a privately sponsored gathering at the River Garden to be held as part of the Vermont JerkFest (Caribbean music and food festival) on Friday, August 5, 2016, from 6pm to 10pm, and to approve a festival permit for the JerkFest on Saturday, August 6 at VABEC. He said that the Department of Liquor Control subsequently determined that Special Event Permits were required for both events and the Board was asked to approve them, as well. He said that Administration was also discussing other necessary permits in order to address traffic, parking, security, staffing, entertainment, etc., which would be subsequently issued if the Board approved the liquor permits at this meeting. Nicola Williams of The Williams Agency, Katrina Lingard, and David Woodbury, organizers of the JerkFest, were present and discussed the event in detail. Town Clerk Cappy discussed the alcohol permit process. There was much discussion by the Board and the participants.

### **MOTION BY DAVID GARTENSTEIN TO APPROVE THE ISSUANCE OF AN EDUCATIONAL SAMPLING EVENT PERMIT TO THE WILLIAMS AGENCY AND A SPECIAL EVENT PERMIT TO ROBERT ALEXANDER PATTON SPRUILL, D/B/A NEW ENGLAND SWEETWATER FARM & DISTILLERY, FOR THE VERMONT JERKFEST FESTIVAL TO BE HELD AT THE RIVER GARDEN ON FRIDAY, AUGUST 5, 2016, FROM 6PM TO 10PM. MOTION CARRIED 5-0.**

**MOTION BY DAVID GARTENSTEIN TO APPROVE THE ISSUANCE OF A FESTIVAL PERMIT TO THE WILLIAMS AGENCY FOR THE VERMONT JERKFEST EVENT TO BE HELD AT THE VERMONT AGRICULTURAL BUSINESS EDUCATION CENTER ON SATURDAY, AUGUST 6, 2016, FROM 11AM TO 7PM, AND TO APPROVE THE ISSUANCE OF SPECIAL EVENT PERMITS TO ROBERT ALEXANDER PATTON SPRUILL, D/B/A NEW ENGLAND SWEETWATER FARM & DISTILLERY, AND TO TIMOTHY KIMBALL, D/B/A REMY COINTREAU USA, FOR THE VERMONT JERKFEST EVENT TO BE HELD AT THE VERMONT AGRICULTURAL BUSINESS EDUCATION CENTER ON SATURDAY, AUGUST 6, 2016, FROM 11AM TO 7PM. MOTION CARRIED 5-0.**

**MOTION BY RICHARD DEGRAY TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.**

***UNFINISHED BUSINESS***

Police-Fire Facilities Project

- (i) *Financing Update*
- (ii) *Site Plan and Floor Plans for Central Fire Station*
- (iii) *Status of Overall Budget and Schedule*
- (iv) *Future of Municipal Center*

*Site Plan and Floor Plans for Central Fire Station* - Elwell introduced Owner's Project Manager Steve Horton and Architect Ray Giolitto. He said that Giolitto would provide a presentation of the site plans, floor plans and exterior elevations for the Central Fire Station, and that the plans were generally approved by the Police-Fire Facilities Building Committee (PFFBC) last week. He said that the Committee recommended that a zoning application be submitted to the Development Review Board (DRB) on July 22 and scheduled for DRB review at its meeting on August 15. Giolitto provided a detailed review and explanation of the plans. There was substantial discussion by the Board.

**MOTION BY DAVID SCHOALES TO APPROVE THE CENTRAL FIRE STATION SITE PLAN, FLOOR PLANS, AND ELEVATIONS (AS PRESENTED) FOR SUBMISSION TO THE DEVELOPMENT REVIEW BOARD. MOTION CARRIED 5-0.**

Elwell said that construction on the West Brattleboro Fire Station was scheduled to take place during the first week in August and he asked the Board to schedule a groundbreaking ceremony. The Board agreed to a groundbreaking ceremony at the West Brattleboro Fire Station on Thursday, August 4 at 4:00pm.

*Finance Update* – Elwell said that the average annual interest rate offered by the bond bank would be 2.7%. He said that was less than anticipated and that the projected rate previously used was estimated at 3.3%, so financing the project would be less than anticipated. There was a brief discussion.

*Status of Overall Budget and Schedule* – Elwell said that the project was generally on-schedule with a slight delay of the purchase of 62 Black Mountain Road for the Police Station due to the additional environmental assessment required. He said that updated budget information was provided to the Board in the backup materials with information pertaining to monies spent to-date and remaining anticipated expenses, which was being followed carefully. There was a brief discussion.

*Future of Municipal Center* – Elwell said that he provided copies in the backup materials of Board minutes with previous discussions around the future of the Municipal Center, along with an updated memo. He said the matter would be scheduled at future meetings to discuss recommendations and possibilities as the project progressed. There was a brief discussion.

***NEW BUSINESS***

Re-Appoint Health Officer – *Assistant Fire Chief Peter Lynch*. Elwell said that the Board was asked to recommend to the Vermont Department of Health the re-appointment of Assistant Fire Chief Peter Lynch

Selectboard Meeting 07-19-16

to the position of Town Health Officer for a term to expire on July 31, 2019. DeGray asked Lynch what impact the position had on his Assistant Chief position, how other Towns addressed the position, and asked that the Health Officer matter be discussed by the Board at a later meeting. Lynch responded that the position reduced the amount of time he was able to work on Fire Department matters and said there was no universal way that the matter was addressed throughout the State. Dale Joy asked whether the position was paid and spoke in support of Assistant Chief Lynch. There was a brief discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO RECOMMEND TO THE VERMONT DEPARTMENT OF HEALTH THE RE-APPOINTMENT OF ASSISTANT FIRE CHIEF PETER LYNCH TO THE POSITION OF TOWN HEALTH OFFICER FOR A TERM TO EXPIRE ON JULY 31, 2019. MOTION CARRIED 5-0.**

Preliminary FY16 Year-End Financial Report – Finance Director John O’Connor. Elwell generally reviewed the FY16 year-end report, which would include an anticipated surplus in funds, but he stressed that the report was preliminary. Finance Director O’Connor also spoke of certain items in the report, including the utilities fund, parking fund, and program income balance. There was some discussion by the Board.

**NO ACTION TAKEN.**

Downtown Brattleboro Alliance – Semi-Annual Update. Board member O’Connor disclosed that due to her position at the Brattleboro Area Chamber of Commerce she was an ex-officio non-voting member of the Downtown Brattleboro Alliance (DBA). DeGray disclosed that he was Treasurer of DBA, as well as head of the Design Committee. Michelle Simpson-Sigel, DBA President, said that DBA was required to appear before the Selectboard twice per year and she provided an update of the business activities, programs, promotions, and works of the various DBA committees. Jim Verzino spoke in support of the DBA organization. There was some discussion by the Board.

**NO ACTION TAKEN.**

Arts Committee Proposal for Highway Art Project – Arts Committee Chair Adam Salviani. Adam Salviani, Chair of the Arts Committee, and Tad Montgomery said that the Board was asked to endorse a Highway Art Project (HAP) proposed by Montgomery and supported by the Town Arts Committee (TAC). Salviani introduced the project and Montgomery spoke in detail about it. They asked for the Board’s endorsement of the project as presented, which would be a project resembling the “Whale Tail” sculpture near Burlington, and requested the formation of a new committee to further develop the project. Montgomery said that he had several conversations with State Representative Mollie Burke, who was in support of such a project, but she cautioned about the State’s “no billboard law” and suggested that he contact members from the Vermont Agency of Transportation (AOT) and the Windham Regional Commission (WRC) to seek approval for an art installation near Interstate 91. He said that the project would be funded by private donations and that no Town funding that was being requested. Dale Joy spoke about the “Whale Tail” project and in support of the proposed HAP. There was substantial discussion by the Board, including whether State, Town or private property was contemplated for a site, specific locations, types of installations, perpetual care of the installation, funding, and continued maintenance. O’Connor said she had been involved in a project to install a “Welcome to Brattleboro” sign on the Interstate and encountered substantial difficulties with AOT. The Board voiced general support for such a project but wanted more specifics and suggested that supporters of the project meet with representatives from AOT and WRC and then come back to the Board.

**MOTION BY DAVID GARTENSTEIN TO APPROVE THE TOWN ARTS COMMITTEE’S CONTINUED WORK TO ASSESS THE FEASIBILITY OF AND DEVELOP THE PROCESS FOR A TOWN HIGHWAY ART PROJECT.**

There was further discussion about whether TAC could develop the project or to form a separate committee as suggested in the proposal. Salviani suggested creating a subcommittee of TAC, rather than asking TAC to develop the project.

**AMENDED MOTION BY DAVID GARTENSTEIN TO APPROVE THE TOWN ARTS COMMITTEE'S CONTINUED WORK TO ASSESS THE FEASIBILITY OF AND DEVELOP A PROCESS FOR MOVING FORWARD WITH A TOWN HIGHWAY ART PROJECT, INCLUDING APPOINTMENT OF A SUBCOMMITTEE OF THE TOWN ARTS COMMITTEE TO WORK SPECIFICALLY ON THIS MATTER.**

Montgomery said that he anticipated that the work of the new committee would require a serious time commitment, including substantial community outreach, evaluating proposals, and speaking with landowners. Angel Francia-Mackinnon, member of the Arts Committee, requested clarification on the requirements of a subcommittee. There was further discussion by the Board about the need to move through the AOT's bureaucracy and sign regulations before seeking volunteers for a committee that may not be able to take action because of AOT regulations. O'Connor suggested that Montgomery or members from TAC first meet with and get project approvals from WRC and AOT and then ask the Board to form a committee to explore specifics about implementation of an art installation. Elwell discussed Open Meeting Requirements for any Town committee, including meeting agendas and public warnings. He noted that the Board indicated its support of this type of project and suggested that it would be less cumbersome for supporters of the project to meet with representatives from AOT and WRC outside of the constraints of a Town committee. Dale Joy, member of TAC, spoke about history of the "Whale Tail" project and said that after eighteen months of negotiations, the Tail was ultimately installed on private property. The Board agreed that it was not ready to form a new committee or to endorse the project as presented, but was in preliminary support of a project of this type.

**GARTENSTEIN WITHDREW HIS PREVIOUS MOTION.**

**MOTION BY DAVID GARTENSTEIN TO APPROVE THE TOWN ARTS COMMITTEE'S CONTINUED WORK TO ASSESS THE FEASIBILITY OF AND DEVELOP A PROCESS FOR MOVING FORWARD WITH A TOWN HIGHWAY ART PROJECT. MOTION CARRIED 5-0.**

Gartenstein announced that the Board would re-enter into executive session and that no further business would be conducted when the Board reconvened after the session.

**MOTION BY DAVID GARTENSTEIN AT 8:45PM TO RE-ENTER EXECUTIVE SESSION TO DISCUSS PENDING OR PROBABLE CIVIL LITIGATION, CONTRACTS, AND REAL ESTATE LEASES BASED ON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE BOARD, PARTIES INVOLVED, AND THE TOWN AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, ASSISTANT TOWN MANAGER, AND TOWN ATTORNEY WERE INVITED TO ATTEND. MOTION CARRIED 5-0.**

The Board reconvened the public meeting at 10:20pm. There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 10:20PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk