

**BRATTLEBORO SELECTBOARD
TUESDAY, AUGUST 16, 2016
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Planning Director Rod Francis, Assistant Fire Chief Peter Lynch, Recreation & Parks Director Carol Lolatte, Park Maintenance Supervisor Paul Ethier, Library Director Starr LaTronica, Reference Librarian Jeanne Walsh, and Executive Secretary Jan Anderson.

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

Others present: James Banslaben, Adam Franklin-Lyons, Steve Horton, Raymond Giolitto, Louise Zak, Sharon Couturier, Robert Stack, Jennifer Rowe, Jane Southworth, Robin Johnson, ASL interpreters Elizabeth Fox and Karen Todd, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 6:15pm. He confirmed that the meeting was officially warned.

APPROVE MINUTES

MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM AUGUST 4, 2016 AS PRESENTED. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Chair Gartenstein remarked on a recent tragedy where two people lost their lives in a mobile home fire. He thanked the Fire Department for performing their difficult work and offered condolences to the families of the deceased. He then discussed the many projects taking place around town, including construction on the West Brattleboro Fire Station, road paving, replacement of the retaining wall at Bonnyvale Road, and ongoing work on the Black Mountain gravity sewer system. He also announced that Route 30 would be closed for four days in the upcoming two weeks in connection with the I-91 bridge replacement project, and he encouraged drivers to drive safely through the neighborhoods on the detour routes. He noted that State offices were closed today in recognition of Bennington Battle Day.

MANAGER'S COMMENTS

Town Manager Elwell said that construction on the Elliot Street Bridge was scheduled to be complete on August 26, or by August 29 at the latest, so the bridge would be open by the time that the schools opened. He announced that Fire Captain Leonard Howard would be promoted to Assistant Fire Chief effective September 6. He discussed Captain Howard's qualifications and briefly discussed the hiring process.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Allen noted that the Police-Fire Facilities Building Committee met recently and held "spirited" discussions and the Police-Fire upgrade project would be discussed later in the Selectboard meeting.

PUBLIC PARTICIPATION

None.

LIQUOR COMMISSIONERS

MOTION BY RICHARD DEGRAY TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

First Class Liquor License – *FSO, LLC, d/b/a The Stone Church*. Elwell said that the Board was asked to approve the first class liquor license application from FSO, LLC, d/b/a The Stone Church, at 210 Main

Street, for special events scheduled at the location. He said that the application was unusual in that The Stone Church would not be open to the public on a regular basis as a bar or restaurant but for special events only. DeGray and O'Connor spoke of concerns about whether licensed staff would be available to serve drinks when the building was rented for an event. The applicant was not in attendance so the Board agreed to defer a decision on the matter until the applicant attended a meeting and was available to answer their questions.

NO ACTION TAKEN AT THIS TIME. (NOTE: The Liquor Commissioners took up the matter later in the meeting when the applicant arrived.)

MOTION BY RICHARD DEGRAY TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

UNFINISHED BUSINESS

Announcement of Selectboard's Decisions Regarding Road Reclassification Matters

- (i) *Minshall Street*
- (ii) *Bittersweet Lane*
- (iii) *Wickopee Hill Road / Gulf Road.*

Gartenstein said that the Board was asked to consider the following requests to reclassify the three above streets: (1) discontinue Minshall Street; (2) take over Bittersweet Lane as a town road, and (3) give up part of Wickopee Hill Road (from the intersection of Gulf Road to the Filion spring house) and reclassify another part of Wickopee Road (from the intersection of Pleasant Valley Road to the intersection of Gulf Road). He said that site visits and public hearings were held on all three requests on June 28, 2016, that the Board entered into deliberative session on August 4, and that it was now ready to announce its decisions on these matters. He said that written decisions would be released separately prior to the August 27 statutory deadline. He discussed the three reclassification requests and considerations by the Board.

With regard to Minshall Street, Gartenstein said that the Board agreed to abandon the street from Canal Street to Birge Street but would maintain a 10' right of way for a town trail to allow for pedestrian and bicycle access.

Regarding Bittersweet Lane, Gartenstein said that three houses were built on seven lots and the Board concluded that there was not significant enough public interest for the Town to take over maintenance and plowing of that road since it did not connect to any other town highway. He said that as more homes were built on the road, the public interest would increase and a future Board may want to reconsider taking over the road at that time.

Regarding Wickopee Hill Road, Gartenstein explained that Wickopee Hill Road ran from the intersection of Pleasant Valley Road past the intersection of Gulf Road up to the spring house located near the former Carpenter residence (now the Filion residence). He further explained that Wickopee Trail was separate from the road and that in the 1860s the trail was a thoroughfare from the spring house (on Filion property) up over the hill into Dummerston and Marlboro. He said that the trail was never taken over as a town road and therefore was now private property and not under the jurisdiction of the Town. He said that several petitions were received from citizens to leave the trail open, however, the Selectboard did not have authority to do so because it was now private property. He further explained that Wickopee Hill Road from the intersection with Pleasant Valley Road to the spring house was properly laid out as a town road. He said that the Town had an interest to retain rights over Wickopee Hill Road in order to service Pleasant Valley Reservoir and the watershed via Gulf Road. He said that the Board's decision would be to maintain Town ownership of Wickopee Hill Road but a gate would be installed at the intersection of Wickopee Hill Road and Pleasant Valley Road in order to stop vehicular traffic and to allow continued recreational use of Wickopee Hill Road and Gulf Road. He said that the Board decided to reclassify

Wickopee Hill Road down to a Class 4 road (from Class 3) so the Town would retain a right of way but not maintain the road beyond the newly installed gate. He said that signs would be installed at the new gate notifying the public of the permitted recreational use.

There was a brief discussion by the Board. Gartenstein reiterated that written decisions would be available on or before August 27. He thanked the citizens for their involvement in the process.

NO ACTION TAKEN.

Police-Fire Facilities Project Update

- (i) *Approval of Construction Plans and Authorization to Bid the Central Fire Station*
- (ii) *Overall Update*

Elwell noted that a groundbreaking ceremony took place at the West Brattleboro Fire Station on August 4. He said that site and excavation work were taking place at this time and he reviewed some unexpected matters encountered since construction had begun and said that the construction team was working on solutions. Owner's Project Manager Steve Horton reviewed the construction work that had taken place and was expected to take place prior to the next Selectboard meeting.

Elwell said that the Board was asked to approve the construction plans and to authorize commencement of competitive bidding for subcontracted services at the Central Fire Station. He said that the site plans were approved by the Police-Fire Facilities Building Committee last week and by the Development Review Board last evening. Architect Ray Giolitto, from Northeast Collaborative Architects, provided a presentation of the construction plans for Central Fire Station. Elwell briefly discussed the upcoming schedule for construction of the Police Station at 62 Black Mountain Road. He also noted that the Board's packet contained some changes to the financial portion to the project, as noted in his memo dated August 11. Gartenstein announced that the Central Fire Station site plans were available at the Town Manager's Office for review by the public. There were questions and some discussion by the Board about the plans and the upcoming construction schedule.

MOTION BY JOHN ALLEN TO APPROVE THE CONSTRUCTION PLANS FOR CENTRAL FIRE STATION AS PRESENTED AND TO AUTHORIZE COMMENCEMENT OF COMPETITIVE BIDDING FOR SUBCONTRACTED SERVICES. MOTION CARRIED 4-0.

Gartenstein noted that Robin Johnson, applicant for a liquor license at The Stone Church, had arrived and asked if the Board would agree to reconvene as Liquor Commissioners to hear the application. The Board agreed to do so.

LIQUOR COMMISSIONERS RECONVENED

MOTION BY DAVID GARTENSTEIN TO RECONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

First Class Liquor License – FSO, LLC, d/b/a The Stone Church. Robin Johnson, applicant for the liquor license at The Stone Church, spoke about the change in the business model so that events would rent The Stone Church and likely hire The Stone Church staff to serve liquor and food. He said that his staff would have certifications to serve alcohol. He confirmed that if an event brought in an outside catering company, the caterer would be required to obtain a catering permit through the Town and present proof of insurance to The Stone Church. There was some discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR FSO, LLC, D/B/A THE STONE CHURCH, AT 210 MAIN STREET, TO SERVE ALCOHOLIC BEVERAGES AT SPECIAL EVENTS. MOTION CARRIED 4-0.

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

NEW BUSINESS

Financial Report – Monthly Report, July. Finance Director John O'Connor presented and discussed the July, 2016 financial report. There was a brief discussion by the Board.

NO ACTION TAKEN.

Brooks Memorial Library Reconstruction Project – Approve Construction Manager Contract. Library Director Starr LaTronica said that the Board was asked to approve retention of GPI Construction of Brattleboro, Vermont, as the Construction Manager for a CM-at-Risk engagement for renovations to the Brooks Memorial Library, as set forth in her memo dated August 9, 2016. She provided and discussed plans for the proposed renovations to the Library, including the addition of small meeting rooms, installation of rest rooms on the main floor, creation of a teen space, and improvements to the children's room and public meeting room. She said that the renovations would be funded by a recent bequest from Ronald Read and from other Library funds. There was some discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE RETENTION OF GPI CONSTRUCTION OF BRATTLEBORO, VERMONT, AS THE CONSTRUCTION MANAGER FOR A CM-AT-RISK ENGAGEMENT FOR THE RENOVATIONS TO THE BROOKS MEMORIAL LIBRARY BUILDING. MOTION CARRIED 4-0.

Living Memorial Park Swimming Pool - Bid Award. Recreation & Parks Director Carol Lolatte and Park Maintenance Supervisor Paul Ethier were present. Lolatte said that the Board was asked to award the bid for phase one of the swimming pool renovation project to GS Bolton, of Rochester, New Hampshire, in the total amount of \$165,500, as set forth in her memo dated August 8, 2016. She spoke about the renovations that would be undertaken as part of phase one, including replacement of the main drains in order to bring the drains into compliance with the current code. Either spoke about drain code requirements and the need to replace the drains. There was some discussion by the Board.

MOTION BY RICHARD DEGRAY TO AWARD THE BID FOR PHASE ONE OF THE SWIMMING POOL RENOVATION PROJECT TO GS BOLTON, OF ROCHESTER, NEW HAMPSHIRE, IN THE TOTAL AMOUNT OF \$165,500. MOTION CARRIED 4-0.

West River Park Seating Area – Bid Award. Recreation & Parks Director Lolatte said that the Board was asked to award the bid for upgrades to the West River Park seating area to Bellco Excavation, of Brattleboro, Vermont, in the amount of \$9,985.75, as set forth in her memo dated August 4, 2016. She said that additional stone and decorative boulders would be required (to be purchased separately by the Town) and would increase the total cost of this project to approximately \$13,985. She said that all costs for this project would be paid from funds donated for the development of West River Park and that the current balance in that fund was \$20,019.08. There was some discussion by the Board.

MOTION BY KATE O'CONNOR TO AWARD THE BID FOR UPGRADES TO THE WEST RIVER PARK SEATING AREA TO BELLCO EXCAVATION, OF BRATTLEBORO, VERMONT, IN THE AMOUNT OF \$9,985.75. MOTION CARRIED 4-0.

Push Button Crosswalk Lights – Discussion. DeGray said that he asked the Board to hold a discussion on this matter after the recent pedestrian accident on Western Avenue. He spoke at length about his safety concerns for the walking community and about the effectiveness of flashing pedestrian lights. He suggested purchasing four flashing pedestrian lights at a total cost of approximately \$30,000 (\$7,500 per light) to be paid from the rooms and meals tax payment from the State, which he said would be higher than previously anticipated and budgeted. He said that Finance Director O'Connor reported that the general fund contained approximately \$2.4 million in surplus revenue. DeGray also suggested allocating

\$30,000 per year for the next four years to purchase additional flashing pedestrian lights for installations in various locations throughout town. He suggested that by relying only on grants, the available funds were unreliable, insufficient, and took too long to obtain. He said that purchase of the lights would be a good use of money with no negative impact on the budget. He spoke about several locations where such lights could be installed.

MOTION BY RICHARD DEGRAY TO TAKE \$30,000 FROM THE LAST ONE-PERCENT CHECK [ROOMS & MEALS TAX] TO PURCHASE FOUR FLASHING CROSSWALK LIGHTS, AND ALSO TO PLACE \$30,000 IN A LINE ITEM IN THE CAPITAL PLAN FOR THE NEXT FOUR YEARS FOR FUTURE PURCHASES [OF FLASHING CROSSWALK LIGHTS].

There was substantial discussion by the Board. All members agreed that pedestrian safety was very important but each member addressed other concerns contained in the motion. Allen spoke in support of purchasing four lights at this time but said he had concerns about establishing the expenditure on a yearly basis and allocating the expense from a specific source. He suggested asking the Traffic Safety Committee for its recommendation. Gartenstein said that in the last three or four years, the Traffic Safety Committee held many discussions on pedestrian and bicycle safety and the Town had taken several steps to improve pedestrian safety, including installing pedestrian crossing lights in three locations, purchasing two mobile radar devices, and rebuilding the intersection at Western Avenue/Union Hill. He said that at this time three additional grant applications for pedestrian crossing lights were pending. He said that the Traffic Safety Committee implemented a Traffic Safety Policy, which had evolved into the Street and Sidewalk Safety Policy, which contained a number of tools for traffic calming and improvement of pedestrian and bicycle safety. He said the Policy contained several techniques to address pedestrian safety and that the proper process to vet the purchase and placement of equipment would be through the Traffic Safety Committee and the Department of Public Works. He said he was in favor of giving the pending grant applications time to complete before allocating additional funds. He spoke about his budget concerns, other infrastructure requirements throughout town, and stresses on the Town's revenue generating capacity. O'Connor suggested that the Traffic Safety Committee would better be able to prioritize the most effective tools and installation locations. She said she was hesitant on spending money from the rooms and meals tax before knowing the amount of the payment.

Louise Zak, member of the Traffic Safety Committee, said that she appreciated the concern about pedestrian safety, was pleased to hear that the Board may allocate money for pedestrian safety, and spoke in favor of evidence-based decision making. She agreed that the proper venue was through the Traffic Safety Committee and that she would be interested in having a broad discussion with the committee about crosswalks and pedestrian lights.

Gartenstein confirmed that the matter would be added to the September 15 Traffic Safety Committee agenda and the committee could make a recommendation to the Board about how to spend \$30,000 on safety devices this year and expenditures in future years.

DEGRAY WITHDREW THE MOTION AND ASKED THAT THE MATTER BE ADDED TO THE OCTOBER 4 SELECTBOARD AGENDA.

Ordinance Amendment – First Reading, Appendix C, Article II (Parking), Section 16-100 (No Parking Areas) and Section 16-101 (Limited Parking Areas). Elwell said that the Board was asked to hold a first reading on proposed amendments to Appendix C of the Code of Ordinances, as set forth in the memo dated July 22, 2016, from Assistant Town Manager Patrick Moreland. Moreland spoke about the proposed amendments and the reasons for the amendments. Gartenstein read the proposed changes and said that the second reading and public hearing would be held at the September 6 Selectboard meeting.. There was no discussion by the Board.

NO ACTION TAKEN.

Ordinance Amendment – First Reading, Repeal Entire Chapter 12 (Mobile Homes, Trailer Coaches, Mobile Home and Trailer Parks). Elwell said that the Board was asked to hold a first reading to repeal Chapter 12 of the Code of Ordinances as required by State Statutes and as set forth in the memo dated August 10, 2016, from Planning Director Rod Francis. Gartenstein said that the second reading and public hearing would be held at the September 6 Selectboard meeting. There was no discussion.

NO ACTION TAKEN.

ADA Committee – Recommendation to Reduce Membership. Elwell said that the ADA Advisory Committee asked the Selectboard to reduce the membership of the committee from seven members to five members by eliminating two vacant one-year seats, as set forth in the memo dated August 8, 2016, from Highway/Utilities Superintendent Hannah O’Connell. There was no discussion.

MOTION BY JOHN ALLEN TO REDUCE THE MEMBERSHIP OF THE ADA ADVISORY COMMITTEE TO A TOTAL OF FIVE, CONSISTING OF TWO 3-YEAR SEATS, TWO 2-YEAR SEATS, AND ONE 1-YEAR SEAT. MOTION CARRIED 4-0.

Committee Appointment – Energy Committee. Gartenstein said that the Board was asked to appoint Milton Eaton to the Energy Committee to fill an unexpired two-year seat with a term ending June 30, 2018.

DAVID GARTENSTEIN NOMINATED MILTON EATON TO THE ENERGY COMMITTEE FOR A TWO-YEAR TERM. NOMINATION CARRIED 4-0.

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 9:00PM. MOTION CARRIED 4-0.

David Schoales, Clerk