

**BRATTLEBORO SELECTBOARD
TUESDAY, OCTOBER 6, 2015
EXECUTIVE SESSION – 5:45PM
REGULAR MEETING – 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, David Schoales, John Allen, and Donna Macomber.

Staff present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Town Assessor Russell Rice, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Planner Sue Fillion, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA and Chris Mays representing the Brattleboro Reformer.

Others present: James Banslaben, Elizabeth McLoughlin, Melissa Clark, Leonard J. DelGatto, Jeff Clark, Franz Reichsman, 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 5:45pm 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 CONTRACTS, PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE TOWN IS OR MAY BE A PARTY, AND NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD PLACE THE TOWN, OTHER ENTITIES INVOLVED, OTHER PEOPLE INVOLVED, AND THE SELECTBOARD AT A SUBSTANTIAL DISADVANTAGE. PETER ELWELL [TOWN MANAGER] AND RUSSELL RICE [TOWN ASSESSOR] WERE INVITED TO ATTEND. MOTION CARRIED 4-0.

Gartenstein reconvened the meeting at 6:18pm.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM SEPTEMBER 15, 2015 AS PRESENTED. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Chair Gartenstein provided an update on the sidewalk reconstruction project and said that the project would be substantially complete around October 23. He also noted that Selectboard members and administration continued to receive comments about whether to keep traffic lights on flash mode or full cycle and that the Selectboard would discuss it at a later meeting.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Donna Macomber said that the Traffic Safety Committee continues to discuss pedestrian safety, and she thanked Brattleboro Memorial Hospital for funding a flashing light to be installed at the intersection of Canal Street and Belmont Avenue to assist with pedestrian and student crossing in that area.

David Schoales noted that the Planet Gas Station on Western Avenue had been torn down, curbstones were in place, and the pouring of sidewalks was expected soon in order to accommodate parking for the Farmers Market.

PUBLIC PARTICIPATION

None.

LIQUOR COMMISSIONERS

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

Special Event Permit – Whetstone Cider Works, LLC. Gartenstein said that the Board was asked to approve the Special Event Permit for Whetstone Cider Works, LLC. Elwell explained that the event was the Cotton Mill Open Studio and Holiday Sale on Friday, December 4 from 4:00 to 7:00pm, Saturday, December 5 from 10:00am to 5:00pm, and Sunday, December 6 from 11:00am to 4:00pm, and that administration recommended approval of the application. There was no discussion.

MOTION BY DAVID SCHOALES TO APPROVE THE SPECIAL EVENT PERMIT FOR THE WHETSTONE CIDER WORKS, LLC, FOR THE COTTON MILL OPEN STUDIO AND HOLIDAY SALE ON FRIDAY, DECEMBER 4 FROM 4:00 TO 7:00PM, SATURDAY, DECEMBER 5 FROM 10:00AM TO 5:00PM, AND SUNDAY, DECEMBER 6 FROM 11:00AM TO 4:00PM. MOTION CARRIED 4-0.

MOTION BY DONNA MACOMBER TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

UNFINISHED BUSINESS

National Endowment for the Arts (NEA) Our Town Grant – Determination on which Project will Proceed and Approval of Contingency Project. Elwell said that the Board was asked to award a contract for \$56,000 from the NEA Our Town Grant to Andrea Wasserman, Elizabeth Billings and Evie Lovett, for the project they submitted entitled “From the River, To the River,” and he provided a brief overview about the selection process and the “River” project. In addition, he said that the Board was asked to authorize the Town Manager to execute the contract and to take all other actions necessary to implement the “River” project in compliance with the NEA Our Town grant program. He said that in the event that the “River” project became impossible to successfully implement, the Board was asked to approve contingency projects and award the \$56,000 NEA Our Town Grant funding to a combination of two proposals - (1) “Brattleboro: Symphony of a Town,” submitted by Andy Reichsman, and (2) the performance module of the “Southern Vermont Dance Festival” proposal, submitted by Brenda Siegel. There was some discussion by the Board and all members expressed appreciation for the efforts and support of the public and staff.

MOTION BY DONNA MACOMBER TO APPROVE THE RECOMMENDATION OF THE SELECTION COMMITTEE TO AWARD A \$56,000 CONTRACT TO ANDREA WASSERMAN, ELIZABETH BILLINGS, AND EVIE LOVETT FOR IMPLEMENTATION OF THE PROPOSED “FROM THE RIVER, TO THE RIVER” PROJECT. MOTION CARRIED 4-0.

MOTION BY DAVID SCHOALES TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE ABOVE REFERENCED CONTRACT AND TO TAKE ALL OTHER ACTIONS NECESSARY TO IMPLEMENT THE “FROM THE RIVER, TO THE RIVER” PROJECT IN COMPLIANCE WITH THE NEA OUR TOWN GRANT PROGRAM. MOTION CARRIED 4-0.

MOTION BY JOHN ALLEN TO APPROVE THE CONTINGENCY RECOMMENDATION OF THE SELECTION COMMITTEE THAT IF IT BECOMES IMPOSSIBLE TO SUCCESSFULLY IMPLEMENT THE “FROM THE RIVER, TO THE RIVER” PROJECT (AND ONLY IF IT BECOMES IMPOSSIBLE TO SUCCESSFULLY IMPLEMENT THE “FROM THE RIVER, TO THE RIVER” PROJECT) THEN THE \$56,000 OF AVAILABLE FUNDING SHALL BE DIVIDED AS FOLLOWS: \$46,000 FOR IMPLEMENTATION OF THE “BRATTLEBORO: SYMPHONY OF A TOWN” PROJECT AND \$10,000 FOR THE PERFORMANCE MODULE OF THE SOUTHERN VERMONT DANCE FESTIVAL’S PROPOSAL. MOTION CARRIED 4-0.

NEW BUSINESS

Police-Fire Facilities Project

- (i) *Staff Presentation of Project Alternatives*
- (ii) *Selectboard Action on Proposed Option to Purchase Property*
- (iii) *Selectboard Action on Planned Community Meetings*

Gartenstein said that the Police-Fire Facilities Project and project alternatives were being discussed. He said that when Town Manager Elwell was hired, he was asked to review the project and look at programmatic needs and alternatives. He said that the Town Manager reviewed a series of potential properties on Putney Road to determine whether they would be feasible or appropriate to consider as an alternative to expanding the Police Department at the Municipal Center. He said that discussions for an option contract had taken place regarding the property located at 62 Putney Road to give the Town a right to purchase the property if, after public engagement and outreach, the townspeople agreed to pursue moving the Police Department. He stressed that the "option to purchase" contract was not a purchase and sale contract that obligated the Town to purchase the property. Elwell discussed the most recent history around the Police-Fire Facilities Project, including approval of the building plans, bond approval by Representative Town Meeting, and a subsequent budget referendum in 2014. He said that the Police-Fire Facilities Building Committee had suggested reviewing the possibility of moving the Police Station to an alternative site which may be more cost-effective and still meet the needs of department. He provided the Board with a memo and he reviewed in detail three options and potential costs for improvements to the Fire and Police stations. He suggested viewing the options as a "menu package" with all three options containing the Fire station component being: the West Brattleboro Fire Station consisting of the same plans as previously approved and the Central Fire Station being pared down from the previously approved plans to remove the third floor and eliminate moving the Emergency Operation Center. The Police Department options for addition to the "menu" would consist of one of the three suggested alternatives: (1) the north end option would consist of moving the department to 62 Putney Road; (2) Option A (within the Municipal Center) would be a similar footprint as previously envisioned but with less bulk to the addition and more use of existing space within the existing building; and (3) Option B (within the Municipal Center) would entail renovating the space at the Municipal Center with a smaller footprint than previously envisioned and would therefore would require extensive design fees. He discussed in detail the various options and associated costs estimates as set forth in his memo.

Elwell said that 62 Putney Road (the Brattleboro Reformer building) is a large, flexible, well-constructed open building with enough space to contain the Police Department, as well as offer space to rent to the Brattleboro Reformer. He said that in order to secure the property, an option to purchase had been negotiated, and that it was not a commitment to purchase the property. He said that several properties had been reviewed and that this property was superior to the others. He said that the "option" contract would create an opportunity to purchase the property if the voters chose to do so, and the contract was being prepared and would soon be ready for Selectboard approval. The terms of the contract would require an initial payment of \$20,000 to secure the property until March 31, 2016, with an additional payment of \$10,000 to secure the property through June 30, and if more time was needed, a final payment of \$10,000 to secure the property through September 30, 2016. He said that if a purchase was approved, then half of the option payments would be applied to the purchase price. He said the purchase price would be \$720,000 plus credit for option payments so the total purchase price would be \$735,000 or \$740,000.

Elwell said that presentations would be made to the public to provide information on the alternatives and to receive input about the various options for improvements to the Fire and Police stations and the acceptability of moving the Police station out of downtown. Chief Fitzgerald said that his office was gathering data about response times, percentage of calls in patrol sectors and reporting sectors, number of visits to the Police station, drive times to various locations, and other matters that may be of concern to the citizens about location of the police headquarters. He said that officers generally patrol out of assigned sectors and not from the station, and that the department would be able to provide emergency response services equally as efficient if the station was moved to the north end location.

There was substantial discussion by the Board, including the need for efficiency of the emergency services, life-safety improvements that must and could be made to the fire and police stations, additional improvements, possibly having a substation at the Transportation Center, holding public meetings and

receiving public input, the cost of the improvements, impact on the taxpayers, the need for a special Representative Town Meeting in February in addition to the regular meeting in March, and determining a process to move forward. The Board agreed to ask the Town Manger to schedule three town wide meetings in November and December at various locations within the community, i.e., Academy School, Oak Grove School and the Gibson-Aiken Center. Macomber asked the public to contact Board members if they had a suggestion as to other forums by which to provide information on the project. Allen encouraged the public to get involved, participate in the discussions, and provide input. It was agreed that the Board would have a thorough discussion about the project at a Selectboard meeting in December and would develop a path to move forward.

NO ACTION TAKEN.

FY17 Budget – Discussion, Schedule Special Meeting(s). Elwell provided the Board with a status report on staff's ongoing preparation of the proposed FY17 budget. He said that he had intended to have completed a comprehensive review of Town operations (CRTO) and suggestions to improve operation by this time, which would have lead into formation of a long-term financial plan; however, the CRTO would not be completed by the time that the FY17 budget discussions would start. He said it would be ready for the FY18 budget discussions. He said that he had been working with Department Heads to provide level funded/level serviced budgets for FY17 and that by the end of October, he would have a proposed budget for the Board. He discussed some anticipated increases to be expected in the FY17 budget, such as heating oil, benefit costs, and capital needs. There was some discussion by the Board. The Board agreed to hold special meetings through November on the "off" Tuesdays in order to discuss the FY17 budget, and to have a proposed budget by December 1.

NO ACTION TAKEN.

Proposed Zoning Code/Land Use Regulation Amendments (LUR) - Schedule Special Meetings on October 27 and November 10 for Public Hearings. Sue Fillion, Planner, reviewed the process over the past 1-1/2 years to develop and finalize amendments to the Land Use Regulations (LURs). She said that the Planning Commission had approved the final changes and voted to give the revised LURs to the Selectboard for public hearings and approval. She provided each Board member with a copy of the amended LURs. She suggested that that the Selectboard hold two public hearings on October 27 and November 10 for public input on the LUR amendments. There was a brief discussion by the Board about the process to finalize and adopt the amendments.

MOTION BY DAVID GARTENSTEIN THAT THE SELECTBOARD HOLD PUBLIC HEARINGS ON OCTOBER 27 AND NOVEMBER 10 ON THE REVISED ZONING CODE AND LAND USE REGULATION AMENDMENTS AND THAT THE BOARD AUTHORIZE THE TOWN MANAGER AND PLANNING DEPARTMENT TO TAKE ALL STEPS NECESSARY TO PUBLICLY WARN THOSE MEETINGS AS REQUIRED BY LAW. MOTION CARRIED 4-0.

Accept and Appropriate Grant – Bullet Proof Vests 2015, Police Department. Elwell said that the Board was asked to accept and appropriate a Bulletproof Vest Partnership Grant on behalf of the Police Department from the Department of Justice, Bureau of Justice Assistance, in the amount of \$2,047.54 for bulletproof vests. There was no discussion.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE A BULLETPROOF VEST PARTNERSHIP GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN THE AMOUNT OF \$2,047.54. MOTION CARRIED 4-0.

Accept and Appropriate Grant – JAG 2015, Police Department. Elwell said that the Board was asked to accept and appropriate a JAG 2015 Grant on behalf of the Police Department from the Department of Justice, Bureau of Justice Assistance, in the amount of \$17,062.00 for community policing services, major accident investigations and a tactical unit. There was no discussion.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE A JAG 2015 GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN THE AMOUNT OF \$17,062.00. MOTION CARRIED 4-0.

Accept and Appropriate Grant – *LSTA Resources Sharing Supplemental Grant, Library Department.* Elwell said that the Board was asked to accept and appropriate a LSTA Resources Sharing Supplemental Grant on behalf of the Library Department from the Vermont Department of Libraries in the amount of \$2,796 for supplemental payments for costs associated with resource sharing activities. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO ACCEPT AND APPROPRIATE A LSTA RESOURCES SHARING SUPPLEMENTAL GRANT FROM THE VERMONT DEPARTMENT OF LIBRARIES IN THE AMOUNT OF \$2,796. MOTION CARRIED 4-0.

Grant Application – *Vermont Community Foundation Grant for Skatepark.* Elwell said that the Board was asked to (1) approve the application by the Recreation and Parks Department and the Brattleboro Area Skatepark Is Coming Committee (BASIC) for a \$500 Dunham-Mason Fund Grant from the Vermont Community Foundation to help fund the design and construction of the skatepark, and (2) to authorize the Town Manager to sign the Fiscal Sponsor Agreement for Competitive Grant Rounds to act as fiscal agent for the BASIC Committee. Liz McLoughlin, Jeff Clark and Melissa Clark, from Brattleboro Area Skatepark is Coming Committee (BASIC), were present. McLoughlin spoke about the grant application. Jeff Clark spoke briefly about the fundraising efforts and outreach. There was a brief discussion.

MOTION BY JOHN ALLEN TO APPROVE THE APPLICATION BY THE RECREATION AND PARKS DEPARTMENT AND THE BRATTLEBORO AREA SKATEPARK IS COMING COMMITTEE (BASIC) FOR A \$500 DUNHAM-MASON FUND GRANT FROM THE VERMONT COMMUNITY FOUNDATION, AND TO AUTHORIZE THE TOWN MANAGER TO SIGN THE FISCAL SPONSOR AGREEMENT FOR COMPETITIVE GRANT ROUNDS TO ACT AS FISCAL AGENT FOR THE BASIC COMMITTEE. MOTION CARRIED 4-0.

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 8:35PM. MOTION CARRIED 4-0.

David Schoales, Clerk