

**BRATTLEBORO SELECTBOARD  
TUESDAY, NOVEMBER 3, 2015  
EXECUTIVE SESSION – 5:30PM  
REGULAR MEETING – 6:15PM  
MINUTES**

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

Staff present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Planning Director Rod Francis, Grants Manager Kim Ellison, Fire Chief Mike Bucossi, Assistant, Fire Chief Peter Lynch, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer and Olga Peters representing The Commons.

Others present: Craig Miskovich, James Banslaben, Robert Stevens, Sharon Couturier, Franz Reichsman, Adam Grinold, 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 in the Municipal Center. He confirmed that the meeting was officially warned.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, APPOINTMENT OR EMPLOYMENT OF A PUBLIC OFFICER, AND LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD, TOWN OF BRATTLEBORO, AND OTHER PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 5-0.**

Gartenstein reconvened the meeting at 6:15pm.

***CHAIR'S REMARKS***

Chair Gartenstein commented on the fatality over the weekend on the railroad tracks. He asked the public to exercise caution and not walk on railroad tracks.

***MANAGER'S COMMENTS***

Town Manager Elwell noted there were staffing irregularities at the Parking Enforcement Office so the hours would temporarily be slightly restricted. He also said that the Selectboard would begin budget discussions at its special meeting on November 10 and the proposed FY17 budget was posted on the Town's website and available for the public to review. He also announced that the new Library Director, Starr LaTronica, had been selected and would begin employment on January 19, 2016. He reviewed some of her work experience and said that the Library Trustees and Town staff were unanimous in the choice and were looking forward to working with her. He said that the current Library Director Jerry Carbone would retire in mid-December. He briefly discussed some of Carbone's accomplishments and contributions, and said that would Mr. Carbone would be missed by many people in the community. He said there would be more information about a retirement farewell in the near future.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

David Schoales said that the Windham Solid Waste Management District (WSWMD) was starting budget discussions. He said two possible budgets had been drafted, one of which contemplated eliminating the recycling center and the second contemplated cutting back on functions, particularly the collection and processing of non-recyclable plastics. He said that member towns were asked to gather data about how the proposals would affect their towns. Town Manager Elwell added that staff was discussing possible

changes to Brattleboro's trash program, including the possibility of reducing the frequency of garbage collection to biweekly pick-ups. There was a brief discussion by the Board.

Kate O'Connor announced that Al Roker from the NBC Today Show was coming to Brattleboro on November 12 to broadcast the weather as part of the "Rokerthon" where Roker would broadcast the weather from every state within a seven day period. She said that Brattleboro was chosen for the site in Vermont and Roker would be at the Brooks House at approximately 9:00pm on November 12, and she invited public at to attend and show enthusiasm for the Town.

#### ***PUBLIC PARTICIPATION***

None.

#### ***LIQUOR COMMISSIONERS***

#### **MOTION BY DONNA MACOMBER TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

Special Event Permit – Hermit Thrush Brewery, LLC, One-Year Anniversary. Elwell said that the Board was asked to approve the special event application from Hermit Thrush Brewery, LLC to celebrate the first anniversary of the business, located at 29 High Street, on November 21, 2015 from 12:00pm to 8:00pm. There was a brief discussion by the Board.

#### **MOTION BY KATE O'CONNOR TO APPROVE THE APPLICATION FOR A SPECIAL EVENT PERMIT FOR HERMIT THRUSH BREWERY, LLC TO CELEBRATE THE FIRST ANNIVERSARY OF THE BUSINESS, LOCATED AT 29 HIGH STREET, ON NOVEMBER 21, 2015 FROM 12:00PM TO 8:00PM. MOTION CARRIED 5-0.**

#### **MOTION BY DAVID SCHOALES TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

#### ***UNFINISHED BUSINESS***

##### Police-Fire Facilities Project

- (i) *Confirm Date, Time, and Location of Public Information Meetings*
- (ii) *Postcard Notice to Public re: Information Meetings*
- (iii) *Option Agreement for Possible Future Purchase of 62 Black Mountain Road.*

Gartenstein said that the Board was being asked to confirm dates, times and locations of public information meetings for the Police-Fire Facilities Project and to determine whether postcard notices of the meetings would be sent to residents in Brattleboro. He said that it was previously contemplated that the Option Agreement for the possible purchase of 62 Black Mountain Road would be discussed but the Agreement was still not available so that matter would be removed from the agenda.

Elwell said that the Board was asked to confirm the following dates, times, and locations of three special Selectboard meetings for disseminating information to the public and receiving comments from the public regarding the proposed Police-Fire Facilities Project alternatives, as follows: (a) Saturday, November 21, at 9:00am, in the Green Street School gymnasium; (b) Monday, November 30, at 6:00pm, in the Academy School gymnasium (BCTV will tape and rebroadcast this meeting; ASL interpreters will be available); (c) Wednesday, December 2, at 6:00pm, in the Brattleboro Area Middle School (BAMS) multipurpose room. Gartenstein said that the purpose of the meetings was for the Board to present thoughts and potential plans about what could happen on the Police-Fire Facilities Project and to gather broad input about what people think should happen. There was no discussion.

#### **MOTION BY DAVID GARTENSTEIN THAT THE BOARD CONVENE THREE INFORMATIONAL MEETINGS TO GATHER PUBLIC INPUT AND TO SHARE INFORMATION WITH THE PUBLIC ABOUT THE POLICE-FIRE FACILITIES PROJECT MOVING FORWARD ON SATURDAY, NOVEMBER 21 BEGINNING AT 9:00AM AT GREEN STREET SCHOOL GYMNASIUM, ON MONDAY, NOVEMBER 30 BEGINNING AT 6:00PM AT ACADEMY SCHOOL GYMNASIUM, AND WEDNESDAY,**

**DECEMBER 2 BEGINNING AT 6:00PM IN THE BRATTLEBORO AREA MIDDLE SCHOOL MULTIPURPOSE ROOM. MOTION CARRIED 5-0.**

Elwell said that at the last meeting the Board asked staff to research the cost of sending postcards to every address in Brattleboro to inform residents and businesses of the public information sessions about the Police-Fire Facilities Project. He said that the low bid was \$2,389 and the Board was asked to decide whether to send the postcards and, if so, to approve the form and content of the postcard notice as presented. The Board agreed to send the postcards and had a brief discussion about the content of the postcard. The Board agreed to provide the Town Manager with any further suggested changes by Thursday. Elwell clarified that the general content of the postcard could be approved with specific content to be modified based on the process just discussed. There was a brief discussion.

**MOTION BY DONNA MACOMBER TO APPROVE THE FORM AND GENERAL CONTENT OF THE PROPOSED POSTCARD NOTICE TO ALL RESIDENCES AND BUSINESSES IN BRATTLEBORO ANNOUNCING THE THREE SPECIAL SELECTBOARD MEETINGS TO DISSEMINATE INFORMATION TO THE PUBLIC AND RECEIVE COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED POLICE-FIRE FACILITIES PROJECT ALTERNATIVES, AND TO AUTHORIZE THE EXPENDITURE OF \$2,389 FOR THE PRODUCTION AND DISTRIBUTION OF THE POSTCARD NOTICE. MOTION CARRIED 5-0.**

***NEW BUSINESS***

Police Officer Recruitment and Retention. Elwell said that the Board was asked to consider authorizing the Town Manager to occasionally and strategically overfill the complement of Police Officers in the Town's Police Department. He said that due to personnel turnovers and the length of time required to train new officers, the Department often had less than the full complement of 27 officers. He clarified that additional funding was not being requested. Police Chief Fitzgerald and Captain Carignan were present. Fitzgerald discussed the function of the Department and other details set forth in his memo dated October 19, 2015. Franz Reichsman, from the Finance Committee, inquired about the proposal, the budget, and contractual requirements of trainees. There was some discussion by the Board.

**MOTION BY JOHN ALLEN TO AUTHORIZE THE TOWN MANAGER TO OCCASIONALLY AND STRATEGICALLY OVERFILL THE ADOPTED BUDGET COMPLEMENT OF 27 POLICE OFFICERS IN ORDER TO MAINTAIN A FULL COMPLEMENT OF 27 TRAINED DUTY OFFICERS WHENEVER POSSIBLE. MOTION CARRIED 5-0.**

Repurchase of the Bagley Property – Akley Road. Elwell said that the Board was asked to authorize the re-selling of property located on Akley Road (formerly owned by Christopher and Andrew Bagley) to Andrew Bagley. Finance Director O'Connor said that the property was acquired by the Town via Tax Collector's deed dated October 22, 2015. He said that after the redemption period expired, Andrew Bagley contacted the Treasurer's Office and offered to buy back the property for the price of \$4,870.06, as set forth in his memo dated October 29, 2015. He said that the Board was asked to approve the legal notice as prepared by the Town Attorney to be published in the Brattleboro Reformer on November 7, 2015. There was some discussion by the Board about the process.

**MOTION BY KATE O'CONNOR TO AUTHORIZE PUBLISHING THE LEGAL NOTICE OF THE TOWN'S INTENT TO SIGN A QUITCLAIM DEED CONVEYING PROPERTY ON AKLEY ROAD (TAX PARCEL IDENTIFICATION NUMBER 00100272.000) TO ANDREW BAGLEY FOR A SALE PRICE OF \$4,870.06. MOTION CARRIED 5-0.**

805 Western Avenue – Grant Funded Buy-Out. Assistant Town Manager Moreland said that the Board was asked to authorize the Town Manager to execute the FEMA Voluntary Transaction Agreement as set forth in his memo dated October 20, 2015 pertaining to the property located at 805 Western Avenue. Moreland said that the property was severely damaged in the flood from Tropical Storm Irene and he discussed the history of the damaged property, as well as the terms of the program under which the buy-out would occur. Planning Director Francis discussed flood hazard regulations and requirements and the deteriorating condition of the building. Elwell discussed the purpose of the 6-month timeframe provision contained in the Agreement. There was some discussion by the Board.

**MOTION BY KATE O’CONNOR TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE FEMA VOLUNTARY TRANSACTION AGREEMENT FOR PURCHASE OF 805 WESTERN AVENUE.  
MOTION CARRIED 5-0.**

Brooks House VCDP Grant – Final Public Hearing. Gartenstein said that the Board was asked to hold a final public hearing on the Vermont Community Development Program grant that the Town received and provided to Mesabi, LLC to purchase, renovate and rehabilitate the historic Brooks House building. Kim Ellison, Grants/Loan Manager, said that the close-out process for the grant required the Board to hold a final public hearing, as more particularly set forth in her memo dated October 22, 2015.

Chair Gartenstein opened the public hearing.

Kim Ellison confirmed that the Board was only required to hold a public hearing and that no close out documents were required to be signed by the Board.

Bob Stevens, representative from the Brooks House, thanked the Town for the use of the program and funds for redevelopment of the Brooks House. He spoke about the operation of the building and occupancy rates. He also noted that a task force was meeting to discuss building a park in the back of the building.

Gartenstein spoke about the condition of the building after the fire and said that it was a risk of being a substantial blight downtown because of the building’s prominent location and importance to the community as a whole. He thanked the developers for their efforts in rehabilitating the building. He responded to Stevens’ comment about the developers’ plan to build a park behind the building and noted that those plans would require permanent closure of the tunnel from High Street to the back of the building into the Harmony parking lot. He stated his recollection of the developers’ agreement to leave the tunnel open and said that it was of significant public interest to do so. Stevens disagreed with Gartenstein’s opinions and recollection. He indicated that the Town did not renew the tunnel lease, and admitted there may be misunderstandings or confusion because various plans had been submitted to the DRB over the course of the project, some with the tunnel open and some with it closed. He said the current plans approved by DRB had the tunnel closed. Stevens and Gartenstein agreed to disagree. Allen noted that his personal opinion was to leave the tunnel closed. There was no discussion by the Board.

Gartenstein closed the public hearing. There was no further comment.

**NO ACTION TAKEN.**

Committee Vacancies – Announce Recent Vacancies

- (i) *Regional Economic Hub Study Group*
- (ii) *Development Review Board, including Alternates*
- (iii) *Traffic Safety Committee.*

Executive Secretary Anderson said that the Board was asked to announce vacant seats on the Regional Economic Hub Study Group, Development Review Board (regular members and Alternates), and the Traffic Safety Committee. She said that resignations had recently been received for those committees/ boards, and that procedure required the Selectboard to announce vacancies which would then be published. She asked that the Selectboard make appointments at its December 1 meeting. Gartenstein announced vacancies on the Regional Economic Hub Study Group, Development Review Board, including Alternates, and Traffic Safety Committee. There was a brief discussion by the Board about the procedure.

**NO ACTION TAKEN.**

Economic Development Strategy – Discussion. Gartenstein said that the Board had discussed economic development goals in past years but had not had an informed, deliberate discussion about that topic. He said that since the hiring of Town Manager Elwell there had been a great deal of activity in that area. Elwell spoke at length about economic development plans, activities, opportunities, challenges, and

strengths, as described in his memorandum dated October 29, 2015. He discussed partnerships and relationships that had been developed with entities and organizations, such as Adam Grinold of BDCC, Bob Stevens, and other local and regional groups. He also discussed collaborative and collegial roles that staff holds with local and regional economic development entities, such as his involvement with the Windham County Economic Development Program Advisory Committee, Rod Francis' and Liz McLoughlin's involvement on the Windham Regional Commission Board, and Patrick Moreland's involvement with the SeVEDS' Board and BDCC meetings and activities. Rod Francis spoke about his view regarding economic development strategy and conformance with the Town Plan and Land Use Regulations. Elwell suggested continuing to strengthen relationships and partnerships, build the proper landscapes, build a positive economic climate, and provide support and response to outside economic development entities and incoming and/or existing businesses. Adam Grinold, from Brattleboro Development Credit Corporation (BDCC), spoke in favor of continuing economic development conversations and continued partnerships and collaborations. There was substantial discussion by the Board.

**NO ACTION TAKEN.**

There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 9:20PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk