

**BRATTLEBORO SELECTBOARD  
TUESDAY, DECEMBER 2, 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, Finance Director John O'Connor, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Planning Director Rod Francis, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Town Clerk Annette Cappy, Recreation & Parks Director Carol Lolatte, Assistant Town Assessor Dan Fyffe, Brattleboro Community Justice Center Director Larry Hames, Executive Secretary Jan Anderson, and others who did not sign the attendance sheet.

Media present: Tim Johnson representing WTSA, Howard Weiss-Tisman representing the Brattleboro Reformer, and John Snyder representing The Commons.

Others present: James Banslaben, Ron Pickering, Carolyn Peck, Janice Martin, Mildred Bristol, Ivan Bruneau, Matt Livingston, Paul Cameron, Hale Kiziltan, Declan O'Donnell, Nancy Brosz, Alan Brosz, Alex Gyori, Nancy Miller, Stewart McDermet, Michael Bosworth, Tad Montgomery, Jason Cooper, Lester Humphreys, John Wilmerding, Eli Gould, Susan Murray, Edna Fletcher, David Emery, Sr., Judy Davidson, Richard DeGray, Rory Minich, Greg Worden, Kathleen White, Anne Brinton, John Hatton, Claire Markey, 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 EXECUTIVE SESSION TO DISCUSS LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, CONTRACTS, AND (IF TIME PERMITS) THE APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, BASED UPON A SPECIFIC FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN, AND THE SELECTBOARD, AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER AND TOWN ATTORNEY WERE INVITED INTO THE EXECUTIVE SESSION AT VARIOUS TIMES. MOTION CARRIED 5-0.**

Chair Gartenstein reconvened the meeting at 6:20pm.

***APPROVE MINUTES***

**MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM NOVEMBER 18, 2014. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein welcomed a room full of people. He said that with the holidays approaching he encouraged everybody to support local organizations, including Project Feed the Thousands and the Christmas Stocking.

***MANAGER'S COMMENTS***

None.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

Gartenstein said that the Traffic Safety Committee met last week. He said that the Committee received a report with various traffic data and the Committee would be discussing procedures and processes to put

in place so that the data would be utilized in considering implementation of traffic safety improvements in the future.

**PUBLIC PARTICIPATION**

John Wilmerding asked for volunteers to serve on the Finance Committee so that a report could be prepared and presented to Representative Town Meeting.

Tim Johnson reported that Project Feed the Thousands was still trying to reach its goals of \$100,000 in cash and 200,000 meals to serve those in need, and he encouraged the public to support the Project.

**LIQUOR COMMISSIONERS**

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

First Class Liquor License – Turquoise Grille. Gartenstein said that the Board was asked to approve a first class liquor license for Hale Kiziltan and Michael Kiziltan for the Turquoise Grille Restaurant. Declan O'Donnell and Hale Kiziltan were present and discussed the new restaurant to be located at 128 Main Street in the Brooks House. There was a brief discussion by the Board.

**MOTION BY DAVID SCHOALES TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR HALE KIZILTAN AND MICHAEL KIZILTAN FOR THE TURQUOISE GRILLE LOCATED AT 128 MAIN STREET IN THE BROOKS HOUSE. MOTION CARRIED 5-0.**

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

**NEW BUSINESS**

Errors and Omissions to Grand List – Approval, Assessor's Office. Dan Fyffe, Assistant Town Assessor, asked the Board to approve the changes to the 2014 Grand List, and he discussed reasons that changes had been made. There was a brief discussion by the Board.

**MOTION BY DONNA MACOMBER TO APPROVE THE ERRORS AND OMISSIONS TO THE 2014 GRAND LIST AS PRESENTED. MOTION CARRIED 5-0.**

West Brattleboro Fire Station – Presentation and Discussion, Brattleboro Fire Department.

Gartenstein said that since the budget referendum after Representative Town meeting in March, the Selectboard had many discussions around reducing the budget and one alternative that was mentioned was the feasibility of eliminating the West Brattleboro Fire Station (Station 2). Fire Chief Bucossi and Assistant Fire Chief Lynch were present and spoke in strong support of maintaining Station 2, and they provided a detailed presentation supporting continuation of the operation of Station 2. Chief Bucossi discussed the substantial residential and vulnerable population in West Brattleboro, including schools, elderly housing projects, affordable housing projects, and mobile home parks. Bucossi and Lynch maintained that Station 2 was an essential and critical safety component of West Brattleboro and the Town as a whole, particularly in search and rescue responsibilities, saving life and property, and the required response times to an emergency. They maintained that the cost to operate Station 2, which approximated \$12,000, was well worth the services provided. Moreland spoke in detail about the impact on homeowners' insurance rates for properties located in West Brattleboro if Station 2 was to close, including components and implications of a favorable rating of 3 from Insurance Services Organization (ISO). He also spoke about the cost of maintaining Station 2 and the life/safety improvements needed at the station. Gartenstein clarified that the Board was not considering closing Station 2 at this time but had requested concrete data to understand the impact of closing Station 2 if that discussion was to take place.

Several members of the public spoke in support of maintaining Station 2, including Judy Davidson, Ron Pickering (who also provided several petitions signed by citizens opposing closing the Station), Nancy Miller (who also spoke of the implied closure if renovations were not approved), former Fire Chief David Emery, Sr., and Claire Markey.

There was substantial discussion by the Board about Station 2, the data in the presentation, condition of the Station, needed health and safety renovations, staffing levels at Station 2 and the overall Department, and personnel required for each emergency incident. It was agreed that the matter would be discussed further at the December 16 Selectboard meeting and that members of the Police-Fire Facilities Building Committee would be invited to discuss their progress.

**NO ACTION TAKEN.**

FY16 Budget – Discussion. Gartenstein provided an overview of budget discussions by the Board to-date which primarily focused on a level-service/level-funded budget. He said that Department Heads previously discussed their budgets and capital needs. He concluded that remaining budget discussions appeared to be related to capital items, such as more paving, two police cruisers, sidewalk repairs, window replacement at the Gibson Aiken Center, a grader, two dump trucks, using some of the unassigned fund balance, pool repair at Living Memorial Park, and life-safety improvements at Municipal Center. Moreland said that preliminary cost information about required improvements to the Municipal Center approximated \$450,000, and that although it would be most cost-effective to do the work all at once, the work may be spread out over a two-year period. Richard DeGray questioned spending \$450,000 on the Municipal Center especially if the Police Department moved out, and he suggested moving the remaining offices to a smaller, more affordable location. He also suggested making capital purchases from the unassigned fund balance and having a community discussion about whether the pool should be repaired. John Wilmerding inquired into the number of police patrols and cruisers available.

The Board agreed to hear from the Police-Fire Facilities Building Committee and to receive information from the Recreation & Parks Director about the pool repair at the December 16 Selectboard meeting. The Board also asked Moreland for information about the required life-safety improvements to the Municipal Center by then, if possible. Moreland indicated that the information probably would not be available until the January 6 meeting.

**NO ACTION TAKEN.**

Energy Committee – Annual Report to Selectboard. Paul Cameron, Energy Coordinator, and members from the Energy Committee, Lester Humphreys and Jason Cooper, were present and discussed the Energy Committee Annual Report that was provided to the Board in its packets. Other members of the Energy Committee, Michael Bosworth, Anne Brinton, Kathleen White, and Tad Montgomery, were present in the audience. Cameron, Humphreys, and Cooper provided a background of the Energy Committee and discussed the Annual Report, cost trends on energy consumption at Town facilities, solar net metering credits, electric car chargers, updates on major projects that the Committee was working on, other recommendations on how to save additional money, and possible uses of the energy efficiency funds approved in the FY15 budget. Public Works Director spoke about switching the street lights to LED lights and about other efficiencies implemented at Public Works after recommendations from Energy Committee. Humphreys said that the Committee recommended asking engineers and architects in future capital projects, such as the Police-Fire facilities project, to prepare a life-cycle analysis cost report which would provide costs and effects on associated bond payments and operating and maintenance expenses. He said that the true cost to taxpayers was a sum of the cost of the projects, effects on bond payments, and any operating expenses. He spoke of the value of implementing energy efficiency improvements at the time of the project rather than to retrofitting efficiency improvements after the fact. He asked the Board to formalize the requirement to obtain life-cycle analysis reports on future projects. John Wilmerding inquired about an improvement previously recommended to the water treatment facility. Judy Davidson thanked the Energy Committee for its work and spoke in support of incorporating a life-cycle analysis on future projects. Michael Bosworth spoke about charges for electric car charging stations and suggested looking into it further. There was discussion by the Board about following up on the cost of electric car chargers at the Transportation Center, energy saving improvements, and the requested life-cycle analysis procedures.

**MOTION BY DAVID SCHOALES TO ACCEPT THE RECOMMENDATION OF THE ENERGY COMMITTEE TO INCORPORATE LIFE-CYCLE COST ANALYSIS INTO ALL TOWN CAPITAL PROJECTS, INCLUDING AN ESTIMATE OF TOTAL TAX RATE IMPACT ON A YEARLY BASIS THAT INCORPORATES BOND PAYMENTS, OPERATING EXPENSES, AND MAINTENANCE EXPENSES.**

There was further discussion about how the life-cycle cost analysis would be provided, about defining capital projects and purchases that would require such a report and formalizing a more specific procedure before voting on the motion. The Board agreed to ask Administration to research and provide more information about the matter at the December 16 Selectboard meeting.

**MOTION BY DAVID GARTENSTEIN TO TABLE THE MATTER TO THE DECEMBER 16 MEETING.  
MOTION CARRIED 5-0.**

Town Meeting Article – Brattleboro Climate Protection. Energy Coordinator Paul Cameron said that the Board was asked to approve an article for the Representative Town Meeting warning approving the annual request for \$10,000 to assist funding Brattleboro Climate Protection (BCP) for fiscal year 2016. He spoke of several projects spearheaded by BCP that resulted in cost savings to the Town. Lester Humphreys spoke in support of Cameron's assistance and accomplishments. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2015, "TO SEE IF THE TOWN WILL RAISE AND APPROPRIATE A SUM NOT TO EXCEED \$10,000 TO ASSIST IN FUNDING BRATTLEBORO CLIMATE PROTECTION FOR FISCAL YEAR 2016 (JULY 1, 2015 – JUNE 30, 2016)." MOTION CARRIED 5-0.**

Downtown Alliance (fka Building a Better Brattleboro) – *Work Plan, Budget and Town Meeting Article.* Board members from the Downtown Alliance (formerly Building a Better Brattleboro (BaBB)) Matt Livingston, Alex Gyori, and Dick DeGray, along with Rod Francis, Planning Director and ex-officio member of the Downtown Alliance Board, were present. Other Downtown Alliance Board members - Rory Minich, John Hatton, and Greg Worden - were present in the audience. Kate O'Connor recused herself from the discussion because of conflicts resulting from her employment with Brattleboro Area Chamber of Commerce. Livingston, DeGray, and Gyori spoke at length about the organization, changes made within the organization since last year, various committees organized within the organization, the proposed FY16 budget, and the 2016 Work Plan. Livingston said that the organization was requesting \$78,000 for its FY16 budget, which was the same amount as requested last year. There was much discussion by the Board, including the proposed budget and work plan, purpose of the Downtown Alliance, improvements made to the organization, joint efforts between the Town and the organization, and the importance of having a healthy downtown area.

**MOTION BY DAVID GARTENSTEIN TO APPROVE THE ANNUAL WORK PLAN AND BUDGET OF DOWNTOWN ALLIANCE AS SUBMITTED AND TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR 2015, "TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE THE SUM OF \$78,000 THROUGH THE SPECIAL ASSESSMENT ON PROPERTIES WITHIN THE DOWNTOWN IMPROVEMENT DISTRICT (AS APPROVED BY TOWN MEETING MARCH 19, 2005 AND AS DELINEATED IN THE TOWN ORDINANCE ENTITLED MUNICIPAL ACT TO ESTABLISH AND REGULATE THE DOWNTOWN IMPROVEMENT DISTRICT) TO BE USED FOR THE CAPITAL AND OPERATING COSTS OF PROJECTS OF THE TOWN'S DULY DESIGNATED DOWNTOWN ORGANIZATION AS REFLECTED IN ITS WORK PLAN AND BUDGET." MOTION CARRIED 3-0 (O'CONNOR RECUSED HERSELF; SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Accept and Appropriate Grant – 2nd Chance Grant 2015, Brattleboro Community Justice Center. Larry Hames, Director of the Brattleboro Community Justice Center, asked the Selectboard to accept and appropriate a 2015 2nd Chance grant from the Vermont Department of Corrections in the amount of \$30,000. He said that the funds would be used to support restorative reintegration services to high risk offenders. He discussed the re-entry program and support services provided. There was a brief discussion by the Board.

**MOTION BY KATE O’CONNOR TO ACCEPT AND APPROPRIATE A 2015 2<sup>ND</sup> CHANCE GRANT FROM THE VERMONT DEPARTMENT OF CORRECTIONS IN THE AMOUNT OF \$30,000 FOR THE BRATTLEBORO COMMUNITY JUSTICE CENTER FOR RESTORATIVE REINTEGRATION OF MODERATE TO HIGH RISK OFFENDERS. MOTION CARRIED 5-0.**

Agenda Item Consideration – Town Fundraising Request. Gartenstein said that Christopher Chapman made a request for time on the Selectboard agenda to make a presentation and ask the Board to approve a resolution declaring that the Town was in favor of taxpayers paying more into the Town than taxes owed. He said that Mr. Chapman previously appeared at a Selectboard meeting in April, 2014 and made a presentation at that time. He noted that at the Selectboard agenda setting meeting on November 24, the Chair and Vice-Chair both voted against putting the item on the December 2 Selectboard agenda and that according to the Selectboard’s Rules for Conduct notice was required to be given to other Board members when an item was considered but not placed on the meeting agenda. He said the Rules continue that any Board member could ask for a vote of the full Board to decide whether the item should be on the agenda for the next following Board meeting, with discussion limited to the question about whether the item should be placed on the agenda. He said that following the November 24 agenda setting meeting and the required notice, Schoales asked for the Board to consider at the December 2 meeting whether Mr. Chapman should be given time at the December 16 Selectboard meeting to make his presentation. There was much discussion by the Board about whether the matter should be added to the agenda for the next meeting. No motion was made. It was agreed that Gartenstein would notify Mr. Chapman that no action was taken.

**NO ACTION TAKEN.**

***CORRESPONDENCE AND MEETINGS***

Gartenstein read the dates and times of Town committee meetings and other upcoming events.

There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 9:25PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk