

**BRATTLEBORO SELECTBOARD
TUESDAY, SEPTEMBER 29, 2015
SPECIAL MEETING – 5:30PM
MINUTES**

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

Staff present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Planning Director Rod Francis, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Town Assessor Russell Rice, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA, Chris Mays representing the Brattleboro Reformer, and Olga Peters representing The Commons.

Others present: Martin Langeveld, Gordon Hayward, Erin Fagley, Brenda Siegel, James Banslaben, Louise Zak, Sharon Couturier, Elizabeth Billings, Andrea Wasserman, Evie Lovett, Angel Mackinnon, Robin Sweetapple, Tara Sullivan, Cengiz Karagoz, and BCTV staff and volunteers.

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, PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, WITH A FINDING THAT PREMATURE PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD, THE TOWN, AND THE PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, TOWN ATTORNEY, AND ASSISTANT TOWN MANAGER WERE INVITED TO ATTEND. MOTION CARRIED 4-0.

Gartenstein reconvened the meeting at 6:10pm. He asked the Board if it would agree to adjust the agenda to add three special event permit applications for Hermit Thrush Brewery under Liquor Commissioners. The Board agreed to adjust the agenda accordingly.

CHAIR'S REMARKS

Chair Gartenstein discussed the progress of the downtown sidewalk improvement project and said that the bulk of the work should be completed by the end of next week. He also noted that the traffic lights had been on flash mode during the construction and that the Board and administration had received several comments from the public about the traffic flow and pedestrian safety concerns while the lights were on flash mode. He also noted that a substantial drug related bust took place about ten days ago and he thanked the Brattleboro Police Department for their involvement in the matter. He announced that the Board expected to discuss several projects over the next few months, including the Police-Fire project, the FY17 budget, and amendments to the Land Use Regulations. He said that the Board would be meeting more frequently to discuss those projects, and he invited the public to attend and participate.

MANAGER'S COMMENTS

Town Manager Elwell spoke about the progress of the Black Mountain Road gravity feed sewer system and said that the work may be completed by the end of this construction season. He also noted that heavy rain was forecasted over the next two days and he asked the public to be aware and for drivers to be cautious. He announced that an initial meeting had recently taken place with neighboring communities to discuss the possibility of sharing animal control services. He said that he was pleased to announce that the State Agency of Transportation (VAOT) had contact the Town to offer assistance for repair of the Elliot Street Bridge. He said that the bridge was a candidate for VAOT's deck replacement program and that the State would provide necessary engineering work and pay 97.5% of the cost to replace the deck of the bridge. He said that construction may take place within the next two years.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

Sharon Couturier spoke about the improved traffic flow on Main Street while the traffic lights had been on flash mode. She asked for an informed discussion about the pros and cons of the flashing lights, a creative problem-solving discussion to address the cons, and to discuss alternatives.

Brenda Siegel spoke in favor of keeping the traffic lights on flash mode after the construction was complete.

LIQUOR COMMISSIONERS

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

Special Events Permits – Strolling of the Heifers Spirits of the Harvest, October 17

- (i) *Appalachian Gap Distillery, Inc.*
- (ii) *Saxtons River Distillery, LLC*
- (iii) *14th Star Brewing Co.*
- (iv) *Whetstone Station Restaurant and Brewery*
- (v) *Honora Winery & Vineyard, d/b/a Honora Winery*
- (vi) *Honora Winery & Vineyard, Inc., d/b/a J'ville Brewery*
- (vii) *Charles Dodge, d/b/a Putney Mountain Winery, LLP*
- (viii) *Vermont Distillers, Inc.*

Gartenstein said that the Board was asked to approve eight special events permits for the Strolling of the Heifers Spirits of the Harvest event on October 17. Erin Fagley and Martin Langeveld, from Strolling of the Heifers, were present and discussed the event. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE THE SPECIAL EVENT PERMITS FOR THE STROLLING OF THE HEIFERS SPIRITS OF THE HARVEST ON OCTOBER 17 WITH THE EIGHT VENDORS AS LISTED. MOTION CARRIED 4-0.

Special Event Permits – Hermit Thrush Brewery, LLC, October 2, November 6, and December 4.

Gartenstein said that this matter had been added to the meeting at the start of the meeting. Elwell said that the matter came onto the agenda late because applications were received after the agenda was published and approval was needed before the next regular meeting in order to address the October 2 request. He said that the requests were identical to earlier events which had been approved by the Board. There was a brief discussion by the Board.

MOTION BY KATE O'CONNOR TO ISSUE A SPECIAL EVENT PERMIT FOR THE HERMIT THRUSH BREWERY, AT 29 HIGH STREET, ALLOWING THEM TO HOLD THREE PINT NIGHT EVENTS IN THE GALLERY AREA OF THEIR SHOP ON FRIDAY, OCTOBER 2, FRIDAY, NOVEMBER 6 AND FRIDAY, DECEMBER 4 FROM 5:30PM TO 11:30PM. MOTION CARRIED 4-0.

First Class Liquor License – Anatolia, LLC, d/b/a West Brattleboro Pizza. Gartenstein said that the Board was asked to approve a first class liquor license for Anatolia, LLC, d/b/a West Brattleboro Pizza. Cengiz Karagoz, new owner of the business, was present and spoke about the business. There was a brief discussion by the Board.

MOTION BY KATE O'CONNOR TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR ANATOLIA, LLC, D/B/A WEST BRATTLEBORO PIZZA. MOTION CARRIED 4-0.

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

NEW BUSINESS

National Endowment for the Arts (NEA) Our Town Grant – Review Selection Committee’s Recommendation and Receive Public Comment. Elwell spoke about the grant and the process over the past two years to bring 35 proposals to the Screening Committee, 13 proposals to the Selection Committee, and a recommended proposal to the Selectboard. He said that the Selection Committee met all day on Friday, heard from the artists and public, and had a very thorough discussion to determine a final recommendation. He said that the primary strong and clear recommendation of the Committee was the “From the River, To the River” project. He said the committee also agreed, at staff’s urging, on a secondary contingency recommendation in the event that the primary proposal was unable to be implemented for any reason. He said that the secondary contingency consisted of a combination of “Brattleboro - Symphony of a Town” (for grant funds of \$46,000) and a dance performance portion of the “Southern Vermont Dance Festival” proposal (for grant funds of \$10,000). He said that the Committee questioned whether the dance portion of the proposal would meet the full criteria of the NEA grant. Gordon Hayward, member of the Selection Committee, read a statement summarizing the “From the River, To the River” project and the Committee’s recommendation of the project to the Selectboard. Tara Sullivan, member of the Selection Committee, asked the Board to accept the Committee’s primary recommendation of the “River” project. She said that the Committee was certain that the NEA would accept the “River” proposal, but stated that there was uncertainty whether the NEA would accept the dance portion of the back-up contingency proposal. Evie Lovett, Andrea Wasserman, and Elizabeth Billings, artists who submitted the “River” project, were present and discussed the proposal. They provided some personal and professional background about themselves. They also discussed in detail the proposed “River” project and the importance of the Connecticut River to the Town. They said that their project would bring the community to the River. They provided the Board with a pamphlet describing the “River” project and discussed the project in detail. Brenda Siegel spoke in support of the selection process and about her recommendation that the selected proposal become a permanent fixture. There was much discussion by the Board. Gartenstein said that this presentation was to inform the public about the proposal and invite public discussion, and that the Board would take action and vote on the recommendation at the October 6 Selectboard meeting.

Police-Fire Facilities Project Update – Gartenstein said that the Police-Fire Facilities Project would be reintroduced to the Townspeople for substantial improvements to the two fire stations and the police station. He reviewed the history of the project, including passage of the project and bond by Representative Town Meeting, the subsequent budget referendum, and the revised budget which did not include the necessary borrowing for the project. He said that the three stations all were in need of substantial life-safety work even if the proposed upgrades were not approved. He said that when Town Manager Elwell was hired in January, he was asked to review the Police-Fire project to look for design alternatives, cost-savings alternatives, and develop a method to proceed forward. He said that the Board would review the project in detail at the October 6 meeting. He summarized some alternatives to the project, including keeping the plans approved last year to the West Brattleboro Fire Station, paring down construction to the Central Fire Station, and considering three options for the Police Department. He said one option to consider would be to move the station out of the downtown area onto a property on the north end of town, or two separate design options for use of the Municipal Center. He said that whether to move the Police Department would require substantial public discussions. He suggested scheduling three public meetings, separate from regular Selectboard meetings, to invite the public to hear the options and provide public opinion and input. He said that the Board would discuss the options in detail at the Selectboard meeting on October 6. Elwell discussed the various options at length. He said that a northend property had been identified and an option agreement was being negotiated. He stressed that the option agreement was not a purchase and sale obligation, and that the agreement would create an opportunity to move forward with the property but not obligate the Town to purchase it before having a chance for the public to respond. He spoke about the collaborative efforts with the Fire and Police personnel and design professionals to determine the needs of the departments and provide suggestions to modernize the facilities in a cost-effective manner without compromising the ability of the departments to function properly and effectively. He summarized some of the potential financial impacts of the various options: (1) if the improvements approved in 2013 were implemented now the cost would increase from \$14.2 million to \$15 million because of inflation and increased materials costs; (2) the northend option would cost \$12.5 million; (3) Option A to the Police renovations at the Municipal Center would cost \$13.5

million; and (4) Option B to the Police renovations at the Municipal Center would cost \$13.7 million. He said the various options would be discussed in detail at the next Selectboard meeting. Robin Sweetapple, member of the Police-Fire Facilities Building Committee, spoke of letting the needs of the facility determine the direction rather than forcing changes due to financial and political concerns. There was substantial discussion by the Board, including the cost of the project, cost of life-safety improvements only, public outreach, giving the public an opportunity to discuss whether to move the Police station out of downtown area, and the importance of the public process and public participation.

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 7:55PM. MOTION CARRIED 4-0.

David Schoales, Clerk