

**BRATTLEBORO SELECTBOARD  
TUESDAY, JANUARY 5, 2016  
COMMITTEE INTERVIEWS – 5:15PM  
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: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Finance Director John O'Connor, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Town Clerk Annette Cappy, Town Assessor Russell Rice, and Executive Secretary Jan Anderson.

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

Others present: Ken McCaffrey, T Namaya (by phone), Jay Jacobowitz, Michael Bosworth, Tad Montgomery, Bob Rueter, Marshall Wheelock, Jackie Stromberg, Peter Gaskill, Paul Cameron, James Banslaben, Louise Zak, Sharon Couturier, ASL Interpreters Elizabeth Bjerke and Janet Dickinson, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Vice Chair O'Connor called the meeting to order at 5:20pm in the Selectboard meeting room in the Municipal Center. She confirmed that the meeting was officially warned. She announced that the Board would hold interviews of candidates who had applied to be appointed to the Citizen Police Communications Committee (CPCC). Ken McCaffrey was physically present and T. Namaya was present by telephone. Each of the candidates spoke about their reasons for applying to the CPCC. Following the interviews, O'Connor said that the Board would vote on appointments later in the meeting.

**MOTION BY KATE O'CONNOR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, AND PENDING OR PROBABLE CIVIL LITIGATION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, OTHER PEOPLE INVOLVED, AND THE SELECTBOARD AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, ASSISTANT TOWN MANAGER AND TOWN ATTORNEY WERE INVITED TO ATTEND. MOTION CARRIED 4-0 (GARTENSTEIN WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Chair Gartenstein reconvened the meeting at 6:25pm.

***APPROVE MINUTES***

**MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM DECEMBER 8, DECEMBER 15, AND DECEMBER 21, 2015 AS PRESENTED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein wished everyone a happy new year.

***MANAGER'S COMMENTS***

Town Manager Elwell commented on the recent ice storm and how decisions are made to clear snow from the downtown and outlying areas. He also provided an update on the Black Mountain Road Gravity Sewer Project and said that the contractor and bond company had been notified that the contract may be terminated due to many difficulties and deficiencies that had been encountered. He spoke about the procedure and timeline to do so.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

None.

## **PUBLIC PARTICIPATION**

None.

## **UNFINISHED BUSINESS**

Downtown Brattleboro Alliance (f/k/a Downtown Alliance and Building a Better Brattleboro)

- (i) *Annual Work Plan and Budget*
- (ii) *Representative Town Meeting Article*

Elwell said that the Board previously questioned the source of carryover funds in DBA's FY16 budget. He said that he met with DBA and that additional information was forthcoming but the matter was not ready for discussion by the Board at this time. He asked the Board to defer the matter to the Selectboard meeting on January 12. There was a brief discussion.

## **MOTION BY DAVID SCHOALES TO DEFER FURTHER CONSIDERATION OF THE DBA'S FY17 WORK PLAN AND BUDGET TO THE SELECTBOARD MEETING ON JANUARY 12. MOTION CARRIED 5-0.**

Solid Waste Matters – Collection Contract with Triple T Trucking

- (i) *Frequency of Garbage Collection*
- (ii) *Contract Extension.*

Elwell said that the Board held several discussions about reducing the frequency of the garbage collection to an every other week schedule which would reduce the annual cost of solid waste services by approximately \$100,000 as set forth in the memo dated December 14 from Assistant Town Manager Moreland. Elwell said that the Board was asked to authorize him to execute Addendum #3 to the Triple T Trucking (TTT) contract extending the agreement for five additional years and providing for the transition to an every other week garbage collection cycle. There was some discussion by the Board, including delaying implementation the change in the pick-up schedule until July in order to provide ample opportunity for a public awareness campaign.

## **MOTION BY DAVID SCHOALES TO AUTHORIZE THE TOWN MANAGER TO EXECUTE ADDENDUM #3 OF THE CONTRACT WITH TRIPLE T TRUCKING, WHICH INCLUDES REDUCTION OF THE FREQUENCY OF GARBAGE COLLECTION AND A CONTRACT EXTENSION OF FIVE YEARS. MOTION CARRIED 5-0.**

FY17 Budget –

- (i) *Review of Pending Line Item Questions*
- (ii) *Use of Fund Balance*

Elwell said that additional reductions in certain line items in the proposed FY17 budget were proposed by staff and were further explained in his memo dated December 31 included in the Board's packets. He discussed the suggested reductions. Gartenstein said that the Board was also asked to discuss potential use of the excess fund balance (above the recommended 10% retention guideline). He said that, if the Board chose to use the excess fund balance, the funds could all be spent in FY17, or all in FY18, or split between the two fiscal years. There was much discussion about the use of the fund balance. The Board agreed to discuss it further at the January 12 meeting.

## **NO ACTION TAKEN.**

Police-Fire Facilities Project

- (i) *Questionnaire*
- (ii) *Impact of Moving Police Department to Black Mountain Road*
- (iii) *Future of the Municipal Center*

(i) *Questionnaire* - Gartenstein said that over several meetings the Board invited the public's opinion about how to proceed with the Police-Fire Facilities Project. In an effort to obtain such opinions, he said that he drafted a questionnaire detailing various project alternatives and costs to provide the public with a

method to express their opinions. He asked the Board to review the draft questionnaire provided in their packets and discuss methods of distribution. Elwell said that the Town could take a one-year subscription to Survey Monkey and use it as a means to distribute the questionnaire electronically, along with providing paper copies, adding it to the Town's website, adding it to Facebook, and to other media sources. There was much discussion by the Board about the questionnaire. Louise Zak and Michael Bosworth spoke in support of the questionnaire and provided their opinions and comments. It was agreed by the Board to add an optional space on the questionnaire for the respondent to include a name and address and to distribute the questionnaire as suggested by Elwell, as well as e-mailing it to Town Meeting members and to people on the pay-as-you-throw e-mail distribution list.

**MOTION BY DAVID GARTENSTEIN TO DISTRIBUTE THE QUESTIONNAIRE WITH ANY FINAL REVISIONS THAT THE TOWN MANAGER DEEMS NECESSARY BASED UPON THE BOARD'S DISCUSSION AS BROADLY AS POSSIBLE BY E-MAIL AND PAPER SOURCES, AND THAT NAMES BE REQUESTED BUT NOT REQUIRED IN THE RESPONSES TO THE QUESTIONNAIRE. MOTION CARRIED 5-0.**

*(ii) Impact of Moving Police Department to Black Mountain Road* – Members of the Board provided some opinions and comments about the ramifications of moving the Police Department out of the Municipal Center to the proposed Black Mountain Road location. Jay Jacobowitz spoke in favor of moving the Police Department and provided his comments and opinions. There was further discussion by the Board but no decision was made. It was agreed that the Board would continue the discussion at future meetings.

**NO ACTION TAKEN.**

*(iii) Future of the Municipal Center* - Elwell said that the future of the Municipal Center would depend on the decision whether to move the Police Department to another location. He said there were a variety of options for the building that could be considered, and he suggested that the future of the building not be a driving factor in deciding whether to move the Police Department. There was a brief discussion by the Board.

**NO ACTION TAKEN.**

### **NEW BUSINESS**

Lease Renewal – *Experienced Goods, 77 Flat Street*. Moreland said that the Board was asked to approve the renewal of the lease with Experienced Goods, located in the Transportation Center at 77 Flat Street, for 3 additional years at a rent that would increase by 3% per year. There was no discussion by the Board.

**MOTION BY KATE O'CONNOR TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A 3-YEAR LEASE WITH BRATTLEBORO AREA HOSPICE, INC., FOR CONTINUED OPERATION OF THE EXPERIENCED GOODS STORE AT 77 FLAT STREET. MOTION CARRIED 5-0.**

Committee Report– *Brattleboro Cemetery Committee*. Marshall Wheelock, member of the Cemetery Committee, and Town Clerk Cappy were present. Wheelock spoke about the disrepair of the roof at the Mausoleum and asked that funds be included in the budget for the repair. He also spoke about changes to the cemetery regulations that the Committee was considering, including burial space for the indigent population and opening a "green burial area" at Morningside Cemetery. He said that Meetinghouse Hill Cemetery had a green burial area and that the only State-certified "green undertaker" was located in this area. He said that the Committee would soon recommend amendments to the Ordinances and those recommendations had been provided to the Town Attorney for review, as well as to the Board in their packets. Jackie Stromberg (member of the Cemetery Committee) spoke from the audience about the lack of security at the Morningside Cemetery. Sharon Couturier spoke in favor of a green burial space. There was some discussion by the Board.

**NO ACTION TAKEN.**

Committee Report – Energy Committee Annual Report. Michael Bosworth, Paul Cameron, and Bob Reuter, members of the Energy Committee, provided the Committee’s annual report in the form of a PowerPoint presentation (a copy of which was included in the Board’s packets). They discussed the energy savings and cost saving initiatives that had been undertaken in the past year, and spoke about current and future projects and recommendations of the Committee. There was some discussion by the Board.

**NO ACTION TAKEN.**

Representative Town Meeting Article – Brattleboro Climate Protection FY17 Budget Request. Paul Cameron, Brattleboro’s Energy Coordinator, requested that the Board add an Article to the March, 2016 Representative Town Meeting Warning, as follows: “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 2017 (July 1, 2016 – June 30, 2017).” There was no discussion by the Board.

**MOTION BY DAVID SCHOALES TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2016: “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 2017.” MOTION CARRIED 5-0.**

Representative Town Meeting Article – Human Services Funding. Gartenstein said that the Board was asked to add an Article to the March, 2016 Representative Town Meeting Warning, as follows: “To see if the Town will raise and appropriate the sum of \$120,000 to support human service programs and facilities for the residents of Brattleboro to be allocated among service providers in the following manner: “To see if the Town will raise and appropriate the sum of \$120,000 to support human service programs and facilities for the residents of Brattleboro to be allocated among service providers in the following manner: Aids Project of Southern Vermont - \$2,000; American Red Cross – NY and VT Region - \$5,000; Boys & Girls Club - \$15,200; Brattleboro Area Adult Day (Gathering Place) - \$2,000; Brattleboro Area Hospice - \$1,200; Brattleboro Senior Meals - \$7,000; Family Garden - \$2,500; Green Mountain RSVP - \$700; Groundworks Collaborative - \$20,000; KidsPLAYce - \$4,000; Meeting Waters-YMCA - \$5,000; Senior Solutions - \$2,800; Southeastern Vermont Community Action, Inc. (SEVCA) - \$12,000; Turning Point - \$7,000; Vermont Wilderness School - \$4,000; Vermont Center for Independent Living - \$1,600; Visiting Nurse & Hospice of VT & NH - \$7,500; Windham Child Care Association - \$5,500; Windham County Safe Place Child Advocacy Center and Southeastern Unit for Special Investigations - \$1,500; Windham Southeast Supervisory Union Summer Food Program - \$6,000; Youth Services-Big Brothers/Big Sisters - \$7,500.” There was no discussion by the Board.

**POTENTIAL MOTION: TO ADD THE FOLLOWING ARTICLE TO THE REPRESENTATIVE TOWN MEETING WARNING FOR MARCH, 2016: “TO SEE IF THE TOWN WILL RAISE AND APPROPRIATE THE SUM OF \$120,000 TO SUPPORT HUMAN SERVICE PROGRAMS AND FACILITIES FOR THE RESIDENTS OF BRATTLEBORO TO BE ALLOCATED AMONG SERVICE PROVIDERS IN THE FOLLOWING MANNER: AIDS PROJECT OF SOUTHERN VERMONT - \$2,000; AMERICAN RED CROSS – NY AND VT REGION - \$5,000; BOYS & GIRLS CLUB - \$15,200; BRATTLEBORO AREA ADULT DAY (GATHERING PLACE) - \$2,000; BRATTLEBORO AREA HOSPICE - \$1,200; BRATTLEBORO SENIOR MEALS - \$7,000; FAMILY GARDEN - \$2,500; GREEN MOUNTAIN RSVP - \$700; GROUNDWORKS COLLABORATIVE - \$20,000; KIDSPLAYCE - \$4,000; MEETING WATERS-YMCA - \$5,000; SENIOR SOLUTIONS - \$2,800; SOUTHEASTERN VERMONT COMMUNITY ACTION, INC. (SEVCA) - \$12,000; TURNING POINT - \$7,000; VERMONT WILDERNESS SCHOOL - \$4,000; VERMONT CENTER FOR INDEPENDENT LIVING - \$1,600; VISITING NURSE & HOSPICE OF VT & NH - \$7,500; WINDHAM CHILD CARE ASSOCIATION - \$5,500; WINDHAM COUNTY SAFE PLACE CHILD ADVOCACY CENTER AND SOUTHEASTERN UNIT FOR SPECIAL INVESTIGATIONS - \$1,500; WINDHAM SOUTHEAST SUPERVISORY UNION SUMMER FOOD PROGRAM - \$6,000; YOUTH SERVICES-BIG BROTHERS/ BIG SISTERS - \$7,500.” MOTION CARRIED 5-0.**

Fire Department Radio Tower – Proposed Option Agreement for Potential Future Lease. Fire Chief Bucossi and Assistant Fire Chief Lynch were present and discussed the possibility of leasing a portion of the Town’s communication tower to Vermont ETV, Inc., d/b/a Vermont PBS, as more particularly described in Chief Bucossi’s December 29 memo. Chief Bucossi said that a copy of the Option

Agreement was included in the Board's packets and he asked that the Board authorize the Town Manager to execute the Option Agreement. There was no discussion by the Board.

**MOTION BY KATE O'CONNOR TO APPROVE THE OPTION AGREEMENT AND LEASE TERMS WITH VERMONT ETV, INC., D/B/A VERMONT PBS, AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE OPTION AGREEMENT. MOTION CARRIED 5-0.**

Elliot Street Bridge Project – Utility Relocation Order. Elwell said that the Board was asked to approve the Relocation Order prepared by VTrans requiring the relocation of the aerial facilities of the Fire Department and several utility companies to accommodate the reconstruction of the Elliot Street Bridge deck. He said that VTrans was working on the expedited reconstruction process. There was no discussion by the Board.

**MOTION BY DONNA MACOMBER TO APPROVE THE TOWN OF BRATTLEBORO RELOCATION ORDER, AS PRESENTED. MOTION CARRIED 5-0.**

Committee Appointments. Gartenstein said that the Board was asked to make appointments to the Arts Committee, Citizen Police Communications Committee (CPCC), and Energy Committee. He said that interviews of two applicants for the one empty seat on the CPCC were held at the beginning of the meeting and because he was unavailable for the interviews, he would abstain from the vote for the CPCC committee. He asked for nominations to the Arts Committee.

**MOTION BY DAVID SCHOALES TO ACCEPT THE APPLICATION OF TOM NAMAYA [FOR THE ARTS COMMITTEE]. MOTION CARRIED 5-0.**

Gartenstein asked for nominations for the Energy Committee.

**KATE O'CONNOR NOMINATED MARY McLOUGHLIN TO SERVE ON THE ENERGY COMMITTEE. NOMINATION CARRIED 5-0.**

Gartenstein asked for nominations for the Citizen Police Communications Committee.

**DONNA MACOMBER NOMINATED KEN McCAFFREY [FOR THE CITIZEN POLICE COMMUNICATIONS COMMITTEE]. NOMINATION CARRIED 4-0 (GARTENSTEIN ABSTAINED).**

Schedule January Selectboard Meetings

- (i) *Special Meetings re: Police-Fire Facilities Project (and other matters, as needed)*
- (ii) *Approval of Warnings*

Gartenstein confirmed that Selectboard meetings were scheduled on January 12 and January 19. He asked the Board to schedule a special meeting during the last week in January to approve the Warnings for the annual Town Meeting and Representative Town Meeting in March, 2016. The Board agreed to meet on Monday, January 25 at 5:30pm.

There was no further business.

**MOTION BY DONNA MACOMBER TO ADJOURN AT 8:55PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk