

**BRATTLEBORO SELECTBOARD  
TUESDAY, JANUARY 8, 2019  
EXECUTIVE SESSION – 5:15PM  
SPECIAL MEETING – 6:15PM  
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER  
MINUTES**

Selectboard members present: Kate O'Connor, Brandie, Starr, Tim Wessel, David Schoales, and Shanta Lee Gander.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Fire Chief Mike Bucossi, Assistant Fire Chief Leonard Howard, Fire Alarm Superintendent Joe Newton, Public Works Director Steve Barrett, Police Chief Mike Fitzgerald, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer and BCTV staff and volunteers.

Others present: Dale Joy, Nick Nickerson, Bill Austin, Raphael Rosner, Dick DeGray, Vickie Case, Cindy DelGatto, Cindy Ludlam, Alex Beck, F .David Levenbach, Gershom Moore, John Clements, Samantha Duda, Robert Woodworth, Greg Worden, Franz Reichsman, David LeBlanc, Rikki Risatti, ASL interpreters Elizabeth Fox and Christine Bricault, and others who did not sign the attendance sheet.

Chair O'Connor called the meeting to order at 5:15pm. She confirmed that the meeting was properly warned.

**MOTION BY KATE O'CONNOR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, THE APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, WHERE THE BOARD HAS DETERMINED THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD OR PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, ASSISTANT TOWN MANAGER, TOWN ATTORNEY AND PUBLIC WORKS DIRECTOR STEVE BARRETT WERE INVITED TO ATTEND. MOTION CARRIED 3-0 (STARR AND SCHOALES WERE NOT PRESENT AT THE TIME OF THE VOTE.)**

Chair O'Connor reconvened the meeting at 6:18pm.

***APPROVE MINUTES***

Chair O'Connor asked for a motion to approve the minutes from the December 11 and December 18, 2018 meetings.

**MOTION BY BRANDIE STARR TO APPROVE THE MINUTES FROM THE DECEMBER 11 AND DECEMBER 18, 2018 MEETINGS. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair O'Connor announced that the first item under "Unfinished Business" (Dangerous Dog Appeal) would be removed from the agenda because the matter had settled. She then noted that petitions were available for Town Officers, including Town Meeting Representatives and Selectboard Members. She announced that her term would expire in March and that she would not run again, so a seat on the Selectboard was open. She said that petitions were due to the Town Clerk by 5:00pm on January 28. She noted that Representative Town Meeting was scheduled on Saturday, March 23, 2019. She invited people interested in any Town Officer position to contact the Brattleboro Town Clerk.

***MANAGER'S COMMENTS***

Town Manager Elwell provided an update on a major water main break of a 1906 water main pipe on Route 9 near Edward Heights that occurred last night. He said that over 1,000,000 gallons of water escaped and the Public Works crews had stopped the water leak and were finishing repair of the pipe and

roadway. He said that many households were without water after the break but the water would be restored soon. He asked that affected households initially boil their water.

### **SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Schoales announced that open seats were available on the Town School District Board. He said that it was possible that the terms may last only until July 1 if the school merger went forward. He said that the State Board of Education's Forced Merger Order had been stayed by court order while pending constitutional issues were being heard. He suggested that people interested in sitting on the School Board take out their petitions because the term may be extended.

Gander noted that she and Schoales attend Compassionate Committee meetings and the committee was planning spring forums on different topics related to compassion. She said that she would be moderating a panel in April exploring business and compassion.

Wessel spoke about a recent local media meeting that was prompted by the ending of "Green Mountain Mornings." He said that the conversation was productive although no conclusions had been reached. He mentioned the discussion about plans to take power of the local media into local hands, and he spoke in support of BCTV (Brattleboro Community Television). He then announced that he would be running for another term on the Selectboard.

Starr thanked the people in the audience for attending the meeting.

### **PUBLIC PARTICIPATION**

Dale Joy said that she witnessed an incident at the Dollar Store on Friday night. She complimented the Police Department for their handling of the situation but noted that a lifetime restraining order had been placed on the perpetrator. She said that due to his financial situation he often shopped at the Dollar Store and that she would contact the corporate office in an effort to reverse the restraining order. She then complimented the Selectboard and Assistant Fire Chief Howard for recently implementing the rental housing inspections.

### **UNFINISHED BUSINESS**

Dangerous Dog Appeal – *Continued from Meeting on December 4, 2018.* O'Connor announced that this matter had been settled and consequently did not require Selectboard action.

### **NO ACTION TAKEN.**

#### FY20 Budget –

- (i) *Human Services Committee Recommendation to Representative Town Meeting*
- (ii) *Rooms and Meals Tax – Proposal to Use a Portion for Promoting Brattleboro*
- (iii) *Continued Review and Possible Approval of Selectboard's Recommended FY20 Budget for Consideration at Representative Town Meeting on March 23, 2019*

(i) O'Connor said the Human Services Review Committee recently provided its recommendations for Representative Town Meeting (RTM) to consider when determining the FY20 budget. Elwell said that the recommendations were similar to last year but the net impact was an increase of \$1,300 and asked if the Board agreed to amend the line item in the proposed budget to reflect the committee's recommendation. O'Connor clarified that the committee's recommended funding did not include funding requests from the Visiting Nurses Association or KidsPLAYce due to the late filing of those applications. Elwell said that the Board previously agreed to add those two requests as separate articles on the RTM Warning. There was some discussion about the committee's recommendations. The Board generally agreed to increase the line item in the FY20 Budget to reflect the committee's recommendations.

### **NO MOTION WAS OFFERED.**

(ii) O'Connor said that the Brattleboro Area Chamber of Commerce (Chamber) and Downtown Brattleboro Alliance (DBA) were requesting funding for the purpose of promoting Brattleboro. She announced that she would recuse herself from participating in the discussion due to her employment at the Chamber.

She turned the meeting over to Vice-Chair Starr and then left the room. Members from DBA and the Chamber were present – Dick DeGray (DBA Design Chair), Alex Beck (DBA Board member), Cindy Ludlam (DBA Board member), Cindy DelGatto (Chamber Board member), Vickie Case (Chamber president). DeGray said that the two organizations were interested in collaborating on a project to promote the town and to market what the community had to offer. He asked the Board to allot 10% of the Rooms & Meals Tax (Tax) for that purpose. He said that the Town had been collecting the Tax since 2007 and the amount had increased each year. He said that those funds contributed to the surplus revenue and could be used to market the community and further increase revenue which would benefit the whole community and provide some relief for taxpayers. He suggested that the expenditure could be added to the budget as a line item, or taken from a capital project, or reduce the 10% Fund Balance Guideline to approximately 9.8%. He also said that the matter should be reviewed in 5 years. The other members of the organizations spoke enthusiastically about the collaboration between the organizations, the many assets within the community, and the benefits of implementing such a program. Elwell clarified that 10% of the Tax would be \$42,119 and stated that such expenditure would become a line item in the budget and have an effect on the taxpayers. He confirmed that the Board could increase expenditures in the budget, remove funds from capital projects, or use more of the Unassigned Fund Balance which would reduce the 10% Guideline. Rikki Risatti spoke against the proposal and suggested that the Board spend those funds assisting the homeless, provide human resources, and reduce poverty. David LeBlanc asked the organizations for a draft budget. DeGray responded that a budget would be prepared if the request was granted. Bob Woodworth, Dale Joy, Gershom Moore, and Greg Worden spoke in support of the proposal. There was much discussion by the Board. The Board asked the organizations to provide more information to the Board for its meeting on January 22 regarding the goals of the project, use of funds, and methods to measure the success of the project.

**NO ACTION TAKEN.**

Chair O'Connor returned to the Board table. She called for a 5-minute recess.

Chair O'Connor reconvened the meeting at 7:38pm.

FY20 Budget (discussion continued)

(iii) O'Connor asked if Board members had any further items they wanted to add to the budget. Schoales inquired about funding for the Day Jobs Program that had been discussed. Elwell confirmed that the budget did not contain funds for the program because the program was not adequately defined and the required amount of funds could not be ascertained with any certainty. O'Connor said that the proposed FY20 Budget would be further discussed at the January 22 Selectboard meeting.

**NO ACTION TAKEN.**

***NEW BUSINESS***

Ordinance Amendments – *First Reading, re: Parking on Frost Street, in the Elm Street Lot, and in the Preston Lot.* O'Connor said that the Board was asked to hold a first reading on parking amendments to the Code of Ordinances. Assistant Town Manager Moreland spoke about the proposed amendments as set forth in his memo dated January 2, 2019. He said that amendments to Chapter 16 and Appendix C of the Code of Ordinances were requested in order to add metered parking on Frost Street, modify the regulations and pricing for the Elm Street Parking Lot, and clarify the winter storm overnight parking rules for the Preston Parking Lot. He then discussed the proposed amendments in detail. Rikki Risatti spoke about the challenges of people in poverty and providing an adequate time for public comments. There was some discussion by the Board. Wessel questioned whether there was enough of a turning radius for trucks exiting Cersosimo's Kiln Dry. Moreland said he would speak with the Public Works Director and provide additional information at the January 22 Selectboard meeting and public hearing.

**NO ACTION TAKEN.**

West Brattleboro Fire Station

- (i) *Accept Land Conveyance from Town School District*
- (ii) *Terminate Leases*

Moreland said that the Board was asked to accept a conveyance of land from the Brattleboro Town School District and approve the termination of leases previously entered into by the School District and the Town, all in connection with the new West Brattleboro Fire Station and surrounding grounds. He said that this action would be the final Board action required on this matter. There was no discussion by the Board.

**MOTION BY BRANDIE STARR TO ACCEPT THE PROPERTY AT 16 SOUTH STREET CONVEYED TO THE TOWN BY THE BRATTLEBORO TOWN SCHOOL DISTRICT, TO CANCEL THE LEASE AGREEMENTS WITH THE SCHOOL DISTRICT RELATED TO THAT SAME PROPERTY, AND TO AUTHORIZE THE TOWN MANAGER TO TAKE ALL OTHER ACTIONS NECESSARY TO COMPLETE THE CONVEYANCE OF THE PROPERTY AND THE CANCELLATION OF THE LEASES. MOTION CARRIED 5-0.**

Police-Fire Facilities Project – Article(s) for Representative Town Meeting Warning

- (i) *Recommendations for Final Project Expenditures*
  - (a) *Police Station Roof*
  - (b) *Police Station Carport*
  - (c) *Digital Fire Alarm Receiver for Dispatch*
  - (d) *Adjustment to Charge the Bond Fund for an Expenditure that was Previously Charged to Capital Fund*
- (ii) *Recommendation to Close-Out the Bond Fund*

Elwell said that the Board was asked to approve several staff recommendations to complete final elements of the Police-Fire Facilities Project (PFFP) and to close-out the Bond Fund for that project. He said that the Board's actions would be advisory to Representative Town Meeting (RTM) and RTM would be asked to approve the recommended actions. He said that all of the recommendations had been discussed generally at earlier Selectboard meetings and the Police-Fire Facilities Building Committee meetings, but new and accurate information was now available. He discussed the details as provided in his memorandum (with attachments) dated January 3, 2019. Bill Austin, from Austin Design, discussed the proposed design for the carport at the Police Station, as provided in the Board's notebooks. O'Connor noted that the \$10,000 expense to Austin Design for the design of the carport was not included in the PFFP project. She asked, and the Board agreed, that the expense be added to the project expenses and presented to RTM for approval. Schoales asked about upgrading the digital alarm receiver for the Dispatch Center. Fire Chief Bucossi discussed the purpose of upgrading the communication system to a wireless system. Dale Joy inquired about the life expectancy of the carport and further enclosing it to protect the vehicles against the weather. Elwell noted that an expense of \$64,725 had been paid out of General Funds for a Dispatch radio console in order to avoid exceeding an expense cap for the Police Department at the time of construction, and was subsequently being presented to the Board and RTM to be added to the PFFP for approval. There was much discussion by the Board.

**MOTION BY SHANTA LEE GANDER TO APPROVE THE FOLLOWING RECOMMENDATIONS FOR FINAL ACTION AT THE REPRESENTATIVE TOWN MEETING ON MARCH 23, 2019:**

**(1) TO AUTHORIZE THE EXPENDITURE OF APPROXIMATELY \$100,000 TO REPLACE THE "HIGH ROOF" SECTION AT THE POLICE STATION AT 62 BLACK MOUNTAIN ROAD USING FUNDS FROM THE BONDS ISSUED IN FURTHERANCE OF REPRESENTATIVE TOWN MEETING'S APPROVAL OF THE PROJECT ON MARCH 12, 2016;**

**(2) TO AUTHORIZE THE EXPENDITURE OF APPROXIMATELY \$150,000 TO CONSTRUCT A CARPORT AT THE POLICE STATION AT 62 BLACK MOUNTAIN ROAD USING FUNDS FROM THE BONDS ISSUED IN FURTHERANCE OF REPRESENTATIVE TOWN MEETING'S APPROVAL OF THE PROJECT ON MARCH 12, 2016;**

**(3) TO AUTHORIZE THE EXPENDITURE OF APPROXIMATELY \$33,000 TO PURCHASE A DIGITAL ALARM RECEIVER AND INSTALL IT AT THE POLICE STATION AT 62 BLACK MOUNTAIN ROAD USING FUNDS FROM THE BONDS ISSUED IN FURTHERANCE OF REPRESENTATIVE TOWN MEETING'S APPROVAL OF THE PROJECT ON MARCH 12, 2016; AND**

**(4) TO AUTHORIZE THAT AN EXPENDITURE OF \$64,725 PAID ON AN INVOICE DATED OCTOBER 31, 2017, FROM GREEN MOUNTAIN COMMUNICATIONS, INC., BE CHARGED AGAINST THE BONDS ISSUED IN FURTHERANCE OF REPRESENTATIVE TOWN MEETING'S APPROVAL OF THE PROJECT ON MARCH 12, 2016.**

**MOTION ON THE ABOVE 4 ITEMS CARRIED 5-0.**

**MOTION BY KATE O'CONNOR [TO APPROVE THE FOLLOWING RECOMMENDATIONS FOR FINAL ACTION AT THE REPRESENTATIVE TOWN MEETING ON MARCH 23, 2019] TO AUTHORIZE THAT AN EXPENDITURE OF \$10,000 FROM AUSTIN DESIGN BE CHARGED AGAINST THE BONDS ISSUED IN FURTHERANCE OF REPRESENTATIVE TOWN MEETING'S APPROVAL OF THE PROJECT ON MARCH 12, 2016; AND**

**TO AUTHORIZE THAT UPON COMPLETION OF THE ABOVE ENUMERATED FIVE (5) ACTIONS, ANY REMAINING FUNDS FROM THE BONDS ISSUED IN FURTHERANCE OF REPRESENTATIVE TOWN MEETING'S APPROVALS ON OCTOBER 20, 2012, AND ON MARCH 12, 2016, BE TRANSFERRED TO THE CAPITAL FUND TO BE USED FOR FUTURE CAPITAL EXPENSES AT THE DISCRETION OF THE SELECTBOARD AND REPRESENTATIVE TOWN MEETING.**

**MOTION ON THE ABOVE 2 ITEMS CARRIED 5-0.**

Municipal Self-Governance Proposal from the Vermont League of Cities and Towns. Elwell said that the Board was asked to express the Town's strong support for VLCT's self-governance pilot proposal which, he said, was expected to be submitted as a bill in the upcoming session of the Vermont State Legislature. He spoke at length about VLCT's proposal for a pilot project for appointed municipalities to exercise limited self-governance for a limited period of time, as set forth in his memo dated January 3, 2019. Rikki Risatti spoke in favor of the proposal and suggested expanding the number of appointed municipalities. Schoales suggested that this matter be added to the Warning for Representative Town Meeting to inform Town Meeting Members. There was much discussion by the Board.

**MOTION BY BRANDIE STARR TO EXPRESS STRONG SUPPORT FOR THE VERMONT LEAGUE OF CITIES AND TOWNS' PROPOSAL TO THE VERMONT STATE LEGISLATURE TO CREATE A LIMITED SELF-GOVERNANCE PILOT PROGRAM FOR VERMONT MUNICIPALITIES. MOTION CARRIED 5-0.**

There was no further business.

**MOTION BY BRANDIE STARR TO ADJOURN AT 9:02PM. MOTION CARRIED 5-0.**

---

Tim Wessel, Clerk