

**BRATTLEBORO SELECTBOARD  
TUESDAY, JANUARY 17, 2017  
EXECUTIVE SESSION - 5:45PM  
REGULAR MEETING – 6:15PM  
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER  
MINUTES**

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

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

Media present: Olga Peters representing WTSA, Chris Mays representing the Brattleboro Reformer, and BCTV staff and volunteers.

Others present: Craig Miskovich, Terry Carter, Rick Contino, Tim Wessell, Steve Horton, Franz Reichsman, Chris Gagne, ASL interpreters Elizabeth Fox and Elizabeth Bull, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:45pm. He confirmed that the meeting was officially warned.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, EVALUATION OF PUBLIC OFFICER OR EMPLOYEE, AND CONTRACTS WHERE GENERAL PREMATURE PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, THE PEOPLE INVOLVED, AND THE BOARD AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND ASSISTANT TOWN MANAGER WERE INVITED TO ATTEND. MOTION CARRIED 5-0.**

Chair Gartenstein reconvened the meeting at 6:15pm.

***APPROVE MINUTES***

**MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM JANUARY 3, 2017, AS PRESENTED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

None.

***MANAGER'S COMMENTS***

Town Manager Elwell provided the Board with an update to its request to permanently lower the speed limit to 40 mph on Route 30 between West River Park and Cedar Street. He said that VTtrans agreed to conduct a study on the matter and that the VT Traffic Committee would meet and discuss the request after the study had been completed. He said that the Town would have the opportunity to attend and participate in the meeting.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

John Allen said that at the Windham Solid Waste Management District (WSWMD) meeting, the members agreed to close the MRF (Materials Recovery Facility) and the approximate cost would be \$94,000. He said that the tipping fee for compost was voted at \$50, plus a \$15 charge for Triple T Trucking to truck the compost to WSWMD. He said that he expected the compost would stay in town. Elwell added that terms were subject to final agreement by the Selectboard and that he would provide the Board with an agreement when it had been prepared.

Dick DeGray asked when the flashing light at Main and Elliot Streets would be repaired. He said he received numerous complaints, particularly from pedestrians trying to cross the street. He suggested that Police Officers write tickets for drivers not properly yielding to pedestrians and/or install stanchions in crosswalks to alert traffic about pedestrians. Elwell responded that the light would likely be repaired by the beginning of next week and that additional parts were ordered and would be kept on-hand in the event that the pole was struck again by a vehicle. There was a brief discussion by the Board.

Dave Schoales reminded the voters about the upcoming Town Meeting and elections on March 7. He encouraged those interested in running for Town, School or Representative positions to submit their petitions by January 30.

***PUBLIC PARTICIPATION***

None.

***LIQUOR COMMISSIONERS***

**MOTION BY RICHARD DEGRAY TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

First Class Liquor License and Outside Consumption Permit – Casa Diaz, LLC. Gartenstein said that the Board was asked to approve the First Class Liquor License and Outside Consumption Permit for Casa Diaz, LLC, d/b/a Casa Diaz, located at 1380 Putney Road. Rick Contino, attorney for Mr. Diaz, was present and briefly discussed the authentic Mexican food restaurant and liquor application. Elwell confirmed that staff reviewed and approved the application. He said that the outside consumption was requested for a 10' x 35' sidewalk area outside of the restaurant for seasonal dining. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE THE FIRST CLASS LIQUOR LICENSE AND OUTSIDE CONSUMPTION PERMIT FOR CASA DIAZ, LLC, D/B/A CASA DIAZ, LOCATED AT 1380 PUTNEY ROAD. MOTION CARRIED 5-0.**

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

***UNFINISHED BUSINESS***

FY18 Budget – Approval of Budget to Recommend at Representative Town Meeting. Elwell said that the Board was asked to approve the FY18 Budget. He said that this budget included all of the changes that had been approved by the Board since staff submitted its proposed FY18 Budget on November 1, 2016, and each of the changes were itemized in his memorandum dated January 12, 2017. He said that, if approved by Representative Town Meeting, the budget would result in a tax rate increase of \$0.035 (rather than the originally proposed increase of \$0.055). DeGray asked the Board to reconsider his previous request to add money to the budget to improve the Creamery Bridge as an event venue. There was a brief discussion about procedure.

**MOTION BY JOHN ALLEN TO RECONSIDER THE SELECTBOARD'S PREVIOUS DECISION REGARDING THE CREAMERY BRIDGE [ABOUT FUNDING TO MAKE IMPROVEMENTS]. MOTION CARRIED 3-2 (GARTENSTEIN AND O'CONNOR OPPOSED).**

DeGray said a number of people approached him in support of using the Creamery Bridge as an event venue, and he asked his fellow Board members to support the motion. O'Connor and Allen said that they both had been approached by a number of people who were against using the bridge for events.

**MOTION BY RICHARD DEGRAY TO PUT \$8,000 BACK INTO THE BUDGET FOR THE CREAMERY BRIDGE UPFIT. MOTION FAILED 2-3 (GARTENSTEIN, O'CONNOR AND ALLEN OPPOSED).**

Gartenstein asked if anyone on the Board or anyone in attendance had further discussion about the FY18 budget. He said that specific language for the article would be discussed at the January 31 meeting.

**MOTION BY DAVID GARTENSTEIN TO APPROVE THE FY18 BUDGET AS PRESENTED AT THIS MEETING AND TO RECOMMEND THAT REPRESENTATIVE TOWN MEETING ADOPT THE BUDGET ON MARCH 25. MOTION CARRIED 5-0.**

Police-Fire Facilities Project –

- (i) *Construction Update*
- (ii) *Authorization of Additional Expenses.*

Town Manager Elwell provided a status report on construction at all three project sites. He noted that West Brattleboro Fire Station was substantially complete and the next meeting of the Police-Fire Facilities Building Committee would take place at Station #2 on February 1. He also provided a progress report on the construction at Central Fire Station and the Police Station, as set forth in his memo dated January 12, 2017. Elwell also provided a summary of expenses he authorized administratively as set forth in his memo. Additionally, he asked the Board to authorize expenditures of \$65,239.80 from the project contingency for purchases itemized in his memorandum dated January 12, and he discussed each expenditure. He said that if the purchases were approved, \$781,450 would remain in the overall project contingency. There was much discussion by the Board, including questioning why such items were coming before the Board now for separate approval. DeGray expressed his disappointment that these items were removed from the GMP and then brought to the Board separately for approval from contingency funds. He likened it to “a hidden ball trick.” Steve Horton, Owner’s Project Manager, confirmed that such items were in the overall project budget, but not included in the contractor’s GMP (Guaranteed Maximum Price) because the Town could purchase the items separately for a much better price than the contractor would provide. He also said that the budget was a “concept budget” and these types of purchases were a “risk management strategy” and not “deception strategy.” Elwell said that several discussions had taken place previously about the need to come back to the Board for approval of separate items, including future expenditures for back-up generators at all three locations. He said that the contingency funds were plentiful because very few unanticipated obstacles were encountered during excavation so the contingency could be used for other project items and costs.

**MOTION BY JOHN ALLEN TO AUTHORIZE THE EXPENDITURE OF \$65,239.80 FROM THE OVERALL POLICE-FIRE FACILITIES PROJECT CONTINGENCY FOR THE PURPOSES THAT ARE ITEMIZED AND INDIVIDUALLY DESCRIBED IN THE MEMORANDUM DATED JANUARY 12, 2017, FROM TOWN MANAGER ELWELL. MOTION CARRIED 4-1 (DEGRAY OPPOSED).**

***NEW BUSINESS***

Financial Report – Monthly Report, December. Finance Director John O’Connor presented and discussed the December, 2016 monthly financial report. There was no discussion by the Board.

**NO ACTION TAKEN.**

FY16 Financial Audit and Single Audit – Review. Finance Director John O’Connor reviewed and discussed the June 30, 2016, financial audit and single audit. He said that the audit was an “unmodified opinion” meaning that the auditors did not have to adjust their opinion for deficiencies in the Town’s reporting, that it was fair and accurate, and accurately represented the financial condition of the Town as of June 30, 2016. He noted that there were no audit findings identified for the year ending June 30, 2016 and no unresolved audit findings. There was some discussion by the Board. The Board complimented O’Connor and his staff for their work in obtaining such clean audits.

**NO ACTION TAKEN.**

Partial Release of Open Space Easement and Restrictions – Commonwealth Dairy. Gartenstein said that the Board was asked to approve a partial release of an easement to allow a boundary adjustment to facilitate the expansion of the Commonwealth Dairy facilities on Paul's Road, as set forth in detail in the memorandum and attachments from Town Attorney Bob Fisher. Planning Director Rod Francis and Attorney Craig Miskovich (representing Commonwealth Dairy) spoke about the request for the partial release and the expansion of Commonwealth Dairy. Francis discussed the original Delta Campus P.U.D., subsequent zoning changes, the request to remove the sliver of land from the existing protected lands, and the effect on the open space easement. Miskovich discussed Commonwealth Dairy's expansion plans. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO AUTHORIZE THE TOWN MANAGER TO SIGN A PARTIAL RELEASE OF THE GRANT OF RESTRICTION AND OPEN SPACE EASEMENT AND RESTRICTIONS DATED MARCH 19, 2007, FOR THE PURPOSE OF ALLOWING THE COMMONWEALTH DAIRY EXPANSION PROJECT. MOTION CARRIED 5-0.**

Approve Small Business Assistance Program (SBAP) Loan – Hermit Thrush Brewery, LLC. Elwell said that the Board was asked to approve a Small Business Assistance Program (SBAP) loan of \$70,000 from Program Income to support improvements to the Hermit Thrush Brewery facilities on High Street, subject to the terms recommended by the SBAP Committee as set forth in the memo dated January 6, 2017, from Grants Manager Kim Ellison. Hermit Thrush Brewery co-owner, Chris Gagne, spoke about expansion plans for the brewery at the downtown location and a separate Dummerston location. Gagne spoke about contributions that the Brattleboro landlord would make, and he confirmed that the SBAP funds would be used solely for the Brattleboro expansion, which would cost in excess of \$82,000. There was some discussion by the Board.

**MOTION BY DAVID SCHOALES TO APPROVE A SMALL BUSINESS ASSISTANCE PROGRAM LOAN FOR HERMIT THRUSH BREWERY, LLC, IN THE AMOUNT OF \$70,000 FOR 5 YEARS AT 3.25% INTEREST IN SUPPORT OF RENOVATIONS AND LEASEHOLD IMPROVEMENTS FOR HERMIT THRUSH BREWERY IN BRATTLEBORO. MOTION CARRIED 5-0.**

Tri-Park Housing Cooperative

- (i) *VCDP Application for \$30,000 – Hold Public Hearing and Approve Resolution*
- (ii) *Allocation from Program Income – Up to \$40,000.*

Planning Director Francis said that the Board was asked to approve a resolution to submit an application for a planning grant in the amount of \$30,000 from the Vermont Community Development Program (VCDP). He said that several years ago Tri-Park Housing Cooperative entered into an agreement with the Town to gather grant funds and undertake a Tri-Park Master Plan to address the relocation or removal of homes identified as being in the floodway or flood plain. He said that the funds would help support the Master Plan Project to promote the physical and financial sustainability of Tri-Park Cooperative Housing. He said that the Board was also asked to allocate up to \$40,000 from Program Income to support the project, and the remaining \$10,000 in support of an \$80,000 total project budget was expected to be provided by the Vermont Housing and Conservation Board (VHCB). There was a brief discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO AUTHORIZE THE SUBMISSION OF A VERMONT COMMUNITY DEVELOPMENT PROGRAM PLANNING GRANT APPLICATION IN THE AMOUNT OF \$30,000 TO SUPPORT THE TRI-PARK MASTER PLAN PROJECT, AND TO AUTHORIZE USE OF UP TO \$40,000 IN TOWN OF BRATTLEBORO PROGRAM INCOME FUNDS TO SUPPORT THE TRI-PARK MASTER PLAN PROJECT, CONTINGENT ON RECEIVING SUPPORT FROM VERMONT COMMUNITY DEVELOPMENT PROGRAM AND OTHER SOURCES. MOTION CARRIED 5-0.**

Close Out VCDP Implementation Grant – Final Public Hearing; Retaining Wall Between Harmony Parking Lot and Green Street. Gartenstein said that the Board was asked to hold a public hearing for the purpose of closing out the VCDP Implementation Grant for the retaining wall between Harmony Parking Lot and Green Street.

Gartenstein opened the public hearing.

Assistant Town Manager Moreland briefly spoke about the Harmony Parking Lot/Green Street Retaining Wall Project and associated funding. He said that the project had been successfully completed at an amount under the projected budget.

Board members commented on the aesthetics of the wall.

There were no comments from the public.

Gartenstein closed the public hearing.

**NO MOTION WAS REQUIRED OR OFFERED.**

IT Improvement Plan. Elwell said that staff had been working to identify and improve deficiencies in the Town's information technology systems and to plan for making significant improvements to those systems. He said that a committee of staff had been working with a consultant, CCI Managed Services (CCI), to improve the security of those systems. He said that a proposed IT Improvement Plan (labelled "2016 Technology Assessment Final Report") from CCI was included in the Board's notebooks, along with a memo dated January 6, 2017, from Assistant Town Manager Moreland that summarized CCI's recommendations. He summarized the proposal that included improvements recommended for email, network design, servers, wiring and switches, wireless networking, software licensing, and PC/notebook replacements for a cost of approximately \$80,000. He said that sufficient funds had accrued in the Town's capital fund and that no funds were being requested for the implementation of the plan. He said that the Board was being asked to approve the plan and to authorize staff to proceed with implementation as set forth in Moreland's January 6 memo. He acknowledged Patrick Moreland and Matthew Wojcik (Library personnel) for their substantial work on this plan. There was a brief discussion by the Board.

**MOTION BY DAVID SCHOALES TO APPROVE THE INFORMATION TECHNOLOGY IMPROVEMENT PLAN, AS PRESENTED. MOTION CARRIED 5-0.**

Committee Appointments. Gartenstein said that the Board was asked to appoint members to the Agricultural Advisory Board, the Citizen Police Communications Committee (CPCC), and the Energy Committee. There was no discussion.

**GARTENSTEIN NOMINATED:  
BEN COPLAN TO THE AGRICULTURAL ADVISORY BOARD.  
MATTHEW WRIGHT TO THE CITIZEN POLICE COMMUNICATIONS COMMITTEE.  
OSCAR HELLER TO THE ENERGY COMMITTEE.**

**NOMINATIONS CARRIED 5-0.**

Schedule March Selectboard Meetings

- (i) *Reschedule or Relocate March 7 Regular Meeting (due to Town Meeting Day voting)*
- (ii) *Schedule Informational Meeting at Academy School on Wednesday, March 15  
(Doors open at 6:00pm; Caucuses at 6:30pm; Meeting at 7:00pm)*
- (iii) *Organizational Meeting for New Selectboard on Monday, March 27, at 5:30pm.*

Gartenstein said that the Board was asked to reschedule or relocate the March 7 regular meeting because election polls would be set up in the Selectboard Meeting Room. Elwell offered that the Community Room at the Library was available on March 7 and the Board agreed to hold the meeting there. The Board also agreed to schedule the Informational Meeting at Academy School on March 15, with caucuses starting at 6:30pm and the meeting starting at 7:00pm, and Executive Secretary Anderson was asked to confirm that the location was available. The Board agreed to schedule the organizational meeting for new Selectboard members on Monday, March 27, at 5:30pm in the Selectboard Meeting Room.

**NO MOTION WAS OFFERED.**

There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 8:10PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk