

**BRATTLEBORO SELECTBOARD
TUESDAY, MARCH 15, 2016
EXECUTIVE SESSION – 6:00PM
REGULAR MEETING – 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, David Schoales, Donna Macomber, and John Allen.

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

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

Others present: Jeanie Crosby, Janet Brocklehurst, Kelli Corbeil, Johnny Lin, Cindy Jerome, Avery Schwenk, Sharon Couturier, Terry A. Carter, Lee Madden, Dora Bouboulis, Cindy Jerome, Andy Reichsman, ASL Interpreters Janet Dickinson and Elizabeth Bjerke, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 6:00pm 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 AND LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, WHERE PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD PLACE THE SELECTBOARD, TOWN, AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 4-0.

Gartenstein reconvened the meeting at 6:15pm.

CHAIR'S REMARKS

Chair Gartenstein noted that this meeting was the last regular Selectboard meeting where Donna Macomber would be a member of the Board. He thanked her for her service on the Board and her calm, considerate, and careful approach to subject matters. Gartenstein also said that after the recent election, a recount of votes in the Selectboard race would take place tomorrow. He also briefly discussed the affirmative decision made at the Special Representative Town Meeting on Saturday (March 12) to move the Police Department to the Putney Road location. He thanked all of the participants in the discussions about the Police-Fire upgrade project.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

John Allen and Dave Schoales thanked Donna Macomber for her many contributions while on the Selectboard.

Donna Macomber said it had been a pleasure for her to serve on the Selectboard and that she would miss the interactions on Tuesdays. She said it was a very rewarding experience and encouraged members of the public to consider serving on the Board.

PUBLIC PARTICIPATION

Dora Bouboulis announced that she would be circulating a petition to bring the decision made by Special Representative Town Meeting on Saturday (March 12) to the public for a vote.

Sharon Couturier expressed disappointment about the apparent decision not to alter the downtown traffic lights after the discussion at the Selectboard meeting last week. She said that she monitored the traffic through The Junction last weekend when all traffic lights were on flash and reported that driver behavior

was very orderly. She asked the Board to continue the discussion and consider alternatives with the traffic light settings. There was a brief discussion by the Board and it was agreed that since the traffic lights continue to be a public concern the Board will discuss it again in the spring or early summer.

LIQUOR COMMISSIONERS

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

Festival Permit - Brattleboro Brewers Festival. Kelli Corbeil, from WTSA and the Brattleboro Brewers Festival Committee, and Avery Schwenk, from Hermit Thrush Brewery, were present. Corbeil said that the Board was asked to approve an application for a Festival Permit for Four Seasons Media, Inc., d/b/a Brattleboro Brewers Festival, on May 14, from 12:00pm to 4:00pm at Vermont Agricultural Business Education Center located at 40 University Way. Corbeil and Schwenk discussed plans for the event. Police Chief Fitzgerald reported that no incidents had been reported in past years. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE THE APPLICATION FOR A FESTIVAL PERMIT FOR FOUR SEASONS MEDIA, INC., D/B/A BRATTLEBORO BREWERS FESTIVAL, ON MAY 14, FROM 12:00PM TO 4:00PM AT VERMONT AGRICULTURAL BUSINESS EDUCATION CENTER, LOCATED AT 40 UNIVERSITY WAY. MOTION CARRIED 4-0.

Special Event Permits – Hermit Thrush Brewery, LLC

- (i) *Pint Night at Hermit Thrush, 3/24/16*
- (ii) *Decade de Lapin, 4/2/16*

Avery Schwenk, from Hermit Thrush Brewery, said that the Board was asked to approve two Special Event Permits for Hermit Thrush Brewery, LLC, being: (1) Pint Night at Hermit Thrush Brewery, located at 29 High Street, on March 24, from 5:30pm to 9:30pm; and (2) “Decade de Lapin” 10 year anniversary for the Disques de Lapin label, at the Hooker-Dunham Theater and Gallery, located at 139 Main Street, on April 2, from 3:00pm to 11:00pm. There was no discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE TWO SPECIAL EVENT PERMITS FOR HERMIT THRUSH BREWERY, LLC, FOR (1) PINT NIGHT AT HERMIT THRUSH BREWERY, LOCATED AT 29 HIGH STREET, ON MARCH 24, FROM 5:30PM TO 9:30PM; AND (2) “DECADE DE LAPIN” 10 YEAR ANNIVERSARY FOR THE DISQUES DE LAPIN LABEL, AT THE HOOKER-DUNHAM THEATER AND GALLERY, LOCATED AT 139 MAIN STREET, ON APRIL 2, FROM 3:00PM TO 11:00PM. MOTION CARRIED 4-0.

First Class Liquor License – J & C Restaurant, Inc., d/b/a Panasian. Johnny Lin, proprietor of Panasian, said that the Board was asked to approve a first class liquor license for J & C Restaurant, Inc., d/b/a Panasian, located at 766 Putney Road. Elwell said that due to a change in ownership, the liquor license for the new owners needed to be approved by the Town and State. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR J & C RESTAURANT, INC., D/B/A PANASIAN, LOCATED AT 766 PUTNEY ROAD. MOTION CARRIED 4-0.

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

UNFINISHED BUSINESS

Police-Fire Facilities Project

- (i) *Continued Discussion*
- (ii) *Possible FY17 Budget Adjustment for Representative Town Meeting.*

Gartenstein reported that at the Special Representative Town Meeting on Saturday, March 12, the Town Meeting Members overwhelmingly approved moving the Police Station to 62 Black Mountain Road as part of the Police-Fire Facilities Upgrade Project. He said that based on that vote (111 to 27), the Selectboard was asked to amend the FY17 budget to include funds for the project. He also suggested, and the Board agreed, that the Police-Fire Facilities Building Committee be reconstituted and that the members be queried whether they would agree to remain on the Committee. Elwell said that he would contact the committee members and report to the Board at the April 5 meeting if there were any vacancies. If some members did not want to continue on the committee, the Board could announce the vacancies on April 5 and recharge the members with their expected role, and then appoint new members at the April 19 meeting. Terry Carter addressed her concern about having a location downtown for the public to contact the Police. There was some discussion by the Board.

MOTION BY DAVID SCHOALES TO CONTACT THE MEMBERS OF THE POLICE-FIRE COMMITTEE AND ASK THEM TO RE-FORM. MOTION CARRIED 4-0.

Gartenstein said that the Board was asked to amend the previously approved FY17 budget to include \$176,906 for the first year's debt service (an increase in the property tax rate of 1.5 cents) for the Police-Fire Facilities upgrades. Dora Bouboulis suggested delaying borrowing all of the funds until the new U.S. President had been determined and learn whether federal funds would be allocated for infrastructure projects. Elwell spoke about the timeline and borrowing process for the necessary funds for the upgrades to the two fire stations and the police station. Allen asked the Board to reconsider whether to include adding the third floor at Central Fire Station into the project. He said that adding the upper floor during the construction would be much less expensive than adding it at a later time and that the additional space could readily be utilized. He asked Elwell to provide the financial implications of his proposal. Elwell said that Allen's proposal would require additional funding in the FY17 budget of \$12,474, or a total cost of \$189,380 to the overall project. The other Board members discussed the proposal and expressed concerns about spending the additional funds and changing the project that had been presented to the public and approved by Representative Town Meeting. Allen withdrew his request.

MOTION BY DAVID GARTENSTEIN TO AMEND THE BUDGET APPROVED BY THE SELECTBOARD IN JANUARY, 2016, BY INCREASING DEBT SERVICE BY \$176,906 WHICH WILL MAKE THE TOTAL BUDGET \$16,288,258. MOTION CARRIED 4-0.

Gartenstein suggested that a public outreach campaign be initiated to educate the public about the project. The Board agreed to ask the Town Manager to plan a public outreach campaign and to bring a proposal to the Board at its April 5 meeting.

NEW BUSINESS

Financial Report – *Monthly Report, February, Finance Department.* Finance Director John O'Connor presented and discussed the February financial report. There was no discussion by the Board.

NO ACTION TAKEN.

Audit Services – *Award Bid.* Elwell said that the Board was asked to award the contract for FY16 audit services, with options to renew the engagement for FY17 and FY18, to Batchelder Associates, of Barre, Vermont, as further described in the memo from Finance Director O'Connor, dated March 3, 2016. There was some discussion by the Board.

MOTION BY JOHN ALLEN TO AWARD THE CONTRACT FOR FY16 AUDIT SERVICES, WITH OPTIONS TO RENEW THE ENGAGEMENT FOR FY17 AND FY18, TO BATCHELDER ASSOCIATES, OF BARRE, VERMONT. MOTION CARRIED 4-0.

New Police Cruisers – *Award Bids, Police Department*

- (i) *Two Vehicles*
- (ii) *Equipment Upfits*

Police Chief Fitzgerald said that the Board was asked to award a bid for two police vehicles (2016 Ford Explorer Interceptor and 2016 Ford Taurus Interceptor) in the total amount of \$45,859 to Formula Ford, of

Montpelier, Vermont. He also asked the Board to award a bid for the equipment upfits for both vehicles in the total amount of \$29,367.13 to Adamson Industries, of Haverhill, Massachusetts. He said that the amount budgeted for the vehicles and upfit equipment was \$84,000 and the total amount of the two recommended bid awards was \$75,226.13. He said the other bids were contained in his memo dated March 3, 2016. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO AWARD A BID FOR TWO POLICE VEHICLES (2016 FORD EXPLORER INTERCEPTOR AND 2016 FORD TAURUS INTERCEPTOR) IN THE TOTAL AMOUNT OF \$45,859 TO FORMULA FORD, OF MONTPELIER, VERMONT, AND TO AWARD A BID FOR THE EQUIPMENT UPFITS FOR BOTH VEHICLES IN THE TOTAL AMOUNT OF \$29,367.13 TO ADAMSON INDUSTRIES, OF HAVERHILL, MASSACHUSETTS. MOTION CARRIED 4-0.

GHS Equipment Grant – Accept and Appropriate Grant, Police Department. Police Chief Fitzgerald said that the Board was asked to accept and appropriate the Governor’s Highway Safety Program Grant from the Vermont Agency of Transportation in the amount of \$8,000 for the purchase of new and replacement equipment for the Police Department. He discussed the equipment to be purchased as set out in his memo dated February 23, 2016. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO ACCEPT AND APPROPRIATE THE GOVERNOR’S HIGHWAY SAFETY PROGRAM GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION IN THE AMOUNT OF \$8,000 FOR THE PURCHASE OF NEW AND REPLACEMENT EQUIPMENT FOR THE POLICE DEPARTMENT. MOTION CARRIED 4-0.

VCDP Grants

- (i) *Groundworks*
- (ii) *Bradley House Renovation & Expansion*
 - (a) *Resolution*
 - (b) *Public Hearing*
 - (c) *Grant from Program Income*

(i) *Groundworks.* Assistant Town Manager Moreland said that the Board was asked to accept and appropriate a Community Development Block Grant (CDBG) Planning Grant in the amount of \$30,000 from the Agency of Commerce & Community Development in support of the Groundworks Collaborative for the Housing Support Services planning project, and to authorize the Town Manager to execute the subgrant agreement between the Town of Brattleboro and Groundworks Collaborative. He provided and discussed his memo dated March 7, 2016. There was some discussion by the Board.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE A COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING GRANT IN THE AMOUNT OF \$30,000 FROM THE AGENCY OF COMMERCE & COMMUNITY DEVELOPMENT IN SUPPORT OF THE GROUNDWORKS COLLABORATIVE FOR THE HOUSING SUPPORT SERVICES PLANNING PROJECT, AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE SUBGRANT BETWEEN THE TOWN OF BRATTLEBORO AND GROUNDWORKS COLLABORATIVE, AS PRESENTED. MOTION CARRIED 4-0.

- (ii) *Bradley House Renovation & Expansion*
 - (a) *Resolution*
 - (b) *Public Hearing*
 - (c) *Grant from Program Income*

Moreland said that the Board was asked to hold a public hearing and authorize the submission of a grant application in the amount of \$457,000 to the Vermont Community Development Program (VCDP) for an Implementation Grant for the Bradley House Redevelopment Project. He said that the matter was described in more detail in his memo dated March 7. Cindy Jerome, Executive Director of Bradley House and Holton Home, and Andy Reichsman, Treasurer on the Holton Home Board, were present and discussed the proposed project, inadequacies of the Bradley House, need for the improvements, cost of the project, and the financial requirements in connection with the renovations and expansion. Planning Director Rod Francis spoke about required permits and the permitting process, including notification to

land abutters. Jerome said that yesterday she delivered a letter to the closest neighbors explaining the project and apologized for the late notification. There was some discussion by the Board.

Gartenstein opened the public hearing on the request for the Town to sponsor and submit to the Vermont Community Development Program for an Implementation Grant for the Bradley House Redevelopment Project.

Dr. Jeanie Crosby said she lived in the neighborhood and had family who owned abutting property. She said that that the neighbors had not received notice or information about the project prior to the letter Jerome delivered yesterday. Crosby distributed four letters from neighbors who had comments about the lack of notification and the impact of the project on the neighborhood. She stated that she wanted more information about the project and an opportunity to comment on it. She said that other neighbors intended to submit comments to be included with the application.

Janet Brocklehurst spoke briefly about the increased noise and traffic implications on what was a fairly quiet neighborhood where children and family pets were obvious. She spoke of her concerns about the lack of communication with the interested neighbors

Moreland spoke about the application process which included the Board adopting a Resolution providing authority to submit the application to the VCDP, and identifying himself as the contact person and Town Manager Peter Elwell as the Authorizing Official.

Jerome apologized for not having contacted the neighbors sooner, and stated that she had conversations with some neighbors at the recent Dessert Gala where graphics of the project had been on display and discussed. Reichsman said that the Bradley House wanted to be a good neighbor, that the lack of communication was an oversight, and there would be future opportunities for neighbors to comment on the project. He also noted that unlike other properties in the neighborhood, there was considerable distance between the expansion and the nearest neighbors.

There was discussion by the Board. Allen noted that Bradley House had been in operation as elderly housing since 1964 so the community was aware of the existence of the Bradley House. Gartenstein stated that the project complied with the Town Plan, Regional Plan, and objectives of the Town. He said there were many more steps required for the development to proceed, he encouraged better communication, and encouraged neighbors to participate in future meetings. He also suggested that the Board delay consideration of the \$50,000 grant request from the Program Income Fund to allow more time for issues to settle and to add and amend language so the request would be more of a matching grant. Moreland asked if the Board agreed not to approve the requested \$50,000 from program Income at this time that the amount on the application be raised to \$507,000. He said that if the Board later approved the \$50,000 grant, then the amount of the application could be reduced by that amount. Schoales spoke about the importance of open communication and transparency. Macomber spoke about the importance of the project for the elderly. There was further discussion by the Board about submitting the neighbors' letter with the application and the possibility of improving communication so that future correspondence with the VCDP would be more favorable.

Gartenstein closed the public hearing.

MOTION BY JOHN ALLEN TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$507,000 TO THE VERMONT COMMUNITY DEVELOPMENT PROGRAM FOR AN IMPLEMENTATION GRANT FOR THE BRADLEY HOUSE REDEVELOPMENT PROJECT, AND TO ADOPT A RESOLUTION FOR GRANT APPLICATION AUTHORITY THAT IDENTIFIES ASSISTANT TOWN MANAGER PATRICK MORELAND AS THE CONTACT PERSON AND TOWN MANAGER PETER ELWELL AS THE AUTHORIZING OFFICIAL. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE.

Gartenstein said that the Board was asked to approve a grant in the amount of \$50,000 from Program Income to the Bradley House in support of the Bradley House Redevelopment Project, but as discussed during public hearing the Board agreed table the request until the April 5 Selectboard meeting.

THE GRANT FROM PROGRAM INCOME WAS TABLED TO THE APRIL 5 SELECTBOARD MEETING.

Upgrade of Green Mountain Power Substation at Cotton Mill Hill – Approve Letter to Green Mountain Power and Public Service Board. Planning Director Rod Francis said that Green Mountain Power (GMP) recently notified the Town that it intended to upgrade the electric transmission facilities and substation located on Cotton Mill Hill Road. He reviewed GMP's plans and said that the Planning Commission reviewed the matter at its meeting on March 7, 2016. He said that the Selectboard had an opportunity to comment on the project and he prepared a draft letter to the attorney for GMP for the Board to consider and, if acceptable, approve. There was some discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE DRAFT LETTER DATED MARCH 16, 2016, TO ATTORNEY MORRIS SILVER REGARDING GREEN MOUNTAIN POWER'S PROPOSED RECONSTRUCTION OF THE SOUTH BRATTLEBORO SUBSTATION, AS PRESENTED. MOTION CARRIED 3-0 (ALLEN WAS NOT PRESENT AT THE TIME OF THE VOTE).

Windham Regional Commission Report to Selectboard – Representatives' Report, Planning Services. Planning Director Rod Francis said that he and Elizabeth McLoughlin were appointed last year as Town representatives to the Windham Regional Commission and were asked to periodically provide a report to the Board. He submitted and discussed their annual report to the Board. There was a brief discussion.

NO ACTION TAKEN.

Board Appointments – Windham Regional Commission. Gartenstein said that the Board was asked to re-appoint Elizabeth McLoughlin and Rod Francis as Brattleboro representatives to the Windham Regional Commission for the period April 1, 2016 to March 31, 2017.

DAVID GARTENSTEIN NOMINATED ELIZABETH MCLOUGHLIN AND ROD FRANCIS AS BRATTLEBORO REPRESENTATIVES TO THE WINDHAM REGIONAL COMMISSION FOR THE PERIOD APRIL 1, 2016 TO MARCH 31, 2017. NOMINATIONS CARRIED 4-0.

Employee Health Insurance – Revise Plan to Include Health Reimbursement Arrangement (HRA). Elwell said that the Board was asked to approve changes to the Town's Health Insurance Program, as follows: (1) increase the deductible to \$2,500 for single coverage and \$5,000 for family coverage; and (2) establish a Health Reimbursement Arrangement (HRA) to pay for claims in the space above the current deductible (\$1,500 for single coverage and \$3,000 for family coverage) and below the proposed new deductible levels, as described more completely in his memo dated March 10, 2016. He said that the recommended changes to the Plan had materialized out of collaboration with employees and the management team who formed a committee to address the "Cadillac tax" as proposed by the Federal government. He said that even though the federal deadline had been postponed to 2020, the committee proposed implementing the changes as of May 1, 2016, which would allow the Town to capture eight months of savings this year and continue to provide high quality health insurance benefits to the employees. There was discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE CHANGES TO THE TOWN'S HEALTH INSURANCE PROGRAM, AS FOLLOWS: (1) INCREASE THE DEDUCTIBLE TO \$2,500 FOR SINGLE COVERAGE AND \$5,000 FOR FAMILY COVERAGE; AND (2) ESTABLISH A HEALTH REIMBURSEMENT ARRANGEMENT (HRA) TO PAY FOR CLAIMS IN THE SPACE ABOVE THE CURRENT DEDUCTIBLE (\$1,500 FOR SINGLE COVERAGE AND \$3,000 FOR FAMILY COVERAGE) AND BELOW THE PROPOSED NEW DEDUCTIBLE LEVELS. MOTION CARRIED 4-0.

Representative Town Meeting - Assignment of Motions on Articles. Gartenstein said that the Board was asked to assign the responsibility for reading motions at Representative Town Meeting to various Board members. The Board agreed on which member would read the articles and motions at the annual meeting on Saturday, March 19.

NO ACTION TAKEN.

Selectboard Organizational Meeting - Confirm Special Meeting, March 30, at 5:30pm, Selectboard Meeting Room. Gartenstein confirmed that the Board would hold its annual organizational meeting on March 30 at 5:30pm in the Selectboard Meeting Room at the Municipal Center.

NO ACTION TAKEN.

There was no further business.

MOTION BY DAVID SCHOALES TO ADJOURN AT 8:55PM. MOTION CARRIED 4-0.

David Schoales, Clerk