

**BRATTLEBORO SELECTBOARD  
TUESDAY, JULY 17, 2018  
EXECUTIVE SESSION – 5:30PM  
REGULAR MEETING – 6:15PM  
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER  
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Public Works Director Steve Barrett, Police Chief Mike Fitzgerald, Recreation & Parks Director Carol Lolatte, Library Director Starr LaTronica, Police Captain Mark Carignan, Town Clerk Hilary Francis, and Executive Secretary Jan Anderson.

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

Others present: Stephanie Bonin, Robert Szpila, Zachary Brown, Larry Cassidy, ASL interpreters Elizabeth Fox and Karen Todd, and others who did not sign the attendance sheet.

Chair Kate O'Connor called the meeting to order at 5:30pm. She confirmed that the meeting was properly warned.

**MOTION BY KATE O'CONNOR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY AND 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 AND TOWN ATTORNEY WERE INVITED TO ATTEND. MOTION CARRIED 4-0.**

Chair O'Connor reconvened the meeting at 6:15pm.

***APPROVE MINUTES***

**MOTION BY DAVE SCHOALES TO APPROVE MINUTES FROM JULY 3, 2018. MOTION CARRIED 4-0.**

***CHAIR'S REMARKS***

None.

***MANAGER'S COMMENTS***

None.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

Wessel wished Assistant Town Manager Patrick Moreland a happy birthday.

Starr announced that she recently attended the P.A.A.R.I. (Police Assisted Addiction and Recover Initiate) cookout and the turnout was good. She said that the Chief and Captain cooked hamburgers and hotdogs over a very hot grill on a very hot day. She asked Chief Fitzgerald to provide his comments. Fitzgerald said that the community cookout kicked off Project Care (a community outreach team focused on the opiate epidemic) and that they received donations for the project and the word was being spread.

***PUBLIC PARTICIPATION***

None.

## **NEW BUSINESS**

Downtown Brattleboro Alliance (DBA) – Semi-Annual Update. O'Connor said that Stephanie Bonin, from Downtown Brattleboro Alliance (DBA), was present and would present DBA's semi-annual update. Bonin provided a PowerPoint presentation and spoke about the work of the four committees within the DBA organization (a copy of which was included in the Board's packets), several scheduled events, and some of its promotional activities. She also noted that DBA's Profit & Loss Statement for the period from July 2017 through June 2018 was included in the Board's packets. There was some discussion by the Board.

## **NO ACTION TAKEN.**

Living Memorial Park Snow Sports, Inc. – Approve 2018–2022 Contract. Recreation & Parks Director Lolatte, along with Zach Brown, President of Living Memorial Park Snow Sports (LMPSS), spoke about the history and volunteer operation of the ski hill at the park. Lolatte said that the Board was asked to approve a 5-year renewal of the agreement with LMPSS to continue operation of the ski hill at Living Memorial Park, as set forth in her memorandum dated July 10, 2018. There was a brief discussion by the Board.

## **MOTION BY DAVE SCHOALES TO APPROVE AN AGREEMENT WITH LIVING MEMORIAL PARK SNOW SPORTS, INC., AS PRESENTED. MOTION CARRIED 4-0.**

Vermont Building Communities Grant-Recreational Facilities – Approve Application, Disc Golf Course Improvements, Recreation & Parks Department. Recreation & Parks Director Lolatte, along with Rob Szpila, representing the Rotary Clubs from Brattleboro, spoke about the disc golf facility at Living Memorial Park. Lolatte said that the Rotary Clubs were asking for permission to apply for a \$9,000 Building Communities Grant from the Vermont Department of Buildings & Grounds to pay for improvements to the disc golf facility. Lolatte said that the Board was asked to approve the application from the Recreation & Parks Department, on behalf of Brattleboro's Rotary Clubs, as set forth in her memo dated July 2, 2018. Lolatte and Szpila spoke about the disc golf course and the proposed improvements. There was a brief discussion by the Board.

## **MOTION BY TIM WESSEL TO APPROVE AN APPLICATION FROM THE RECREATION & PARKS DEPARTMENT, ON BEHALF OF BRATTLEBORO'S ROTARY CLUBS, TO APPLY FOR A \$9,000 BUILDING COMMUNITIES GRANT FROM THE VERMONT DEPARTMENT OF BUILDINGS & GROUND TO PAY FOR IMPROVEMENTS TO THE DISC GOLF FACILITY AT LIVING MEMORIAL PARK. MOTION CARRIED 4-0.**

### Hinesburg Road Grants

- (i) Paving Grant – *Accept and Appropriate AOT Class 2 Roadway Grant*
- (ii) Structures Grant – *Accept and Appropriate AOT Town Highway Structures Grant*

Public Works Director Barrett said that the Board was asked to accept and appropriate two separate grants from the Vermont Agency of Transportation for improvements to Hinesburg Road. He said that the first grant was a Class 2 Roadway Paving Grant in the amount of \$78,400 to pay for the overlay of new pavement on Hinesburg Road. He said that the grant required a 20% local match which would come from already budgeted capital funds. Barrett said that the second grant was a structures grant in the amount of \$175,000 to pay for the hydraulic study, engineering, and replacement of a box culvert on Hinesburg Road. He said the structures grant required a 10% local match which would come from the already budgeted capital road improvement program. There was no discussion by the Board.

## **MOTION BY BRANDIE STARR TO ACCEPT AND APPROPRIATE A CLASS 2 ROADWAY PAVING GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION IN THE AMOUNT OF \$78,400 TO PAY FOR OVERLAY OF NEW PAVEMENT ON HINESBURG ROAD. MOTION CARRIED 4-0.**

## **MOTION BY TIM WESSEL TO ACCEPT AND APPROPRIATE A STRUCTURES GRANT FROM THE AGENCY OF TRANSPORTATION IN THE AMOUNT OF \$175,000 TO PAY FOR THE HYDRAULIC STUDY, ENGINEERING, AND REPLACEMENT OF A BOX CULVERT ON HINESBURG ROAD. MOTION CARRIED 4-0.**

2018 Capital Paving Project – Award Bid, Department of Public Works. Public Works Director Barrett said that the Selectboard was asked to award a bid for the 2018 Summer Paving Project to Mitchell Sand and Gravel, from Winchester, New Hampshire, in the amount of \$189,644.95. He said that five bids were received and that Mitchell Sand & Gravel submitted the low bid, as set forth in his memo dated July 10, 2018. He announced that the project included paving on Hinesburg Road, Green Meadow, Jenny Lane, Glen Street, and Maple Street. There was a brief discussion by the Board.

**MOTION BY DAVE SCHOALES TO AWARD THE BID FOR THE 2018 SUMMER PAVING PROJECT TO MITCHELL SAND AND GRAVEL IN THE AMOUNT OF \$189,644.95. MOTION CARRIED 4-0.**

Purchase Body Worn Cameras – Police Department. Police Chief Fitzgerald and Captain Carignan spoke about the Department's request to purchase body worn cameras. Fitzgerald said that a previous Selectboard approved the amount of \$15,000 to purchase the cameras, however, the technology and price had evolved since that appropriation. He said that the Selectboard was asked to approve entering into an agreement with Axon, from Scottsdale, Arizona, to equip the Police Department's Patrol Division with body worn cameras. He spoke in detail about the equipment, software, and technology required, as set forth in his memo dated June 5, 2018. He said that Axon provided superior equipment, software, and technical assistance and that it was willing to structure a payment plan over a five year period. He asked the Board to approve the five-year plan with Axon's Technological Assurance Plan (TAP), in the amount of \$64,196. Carignan addressed the Board's questions about training and the use of the equipment by individual officers. There were further questions and discussion by the Board.

**MOTION BY BRANDIE STARR TO APPROVE ENTERING INTO AN AGREEMENT WITH AXON IN THE AMOUNT OF \$64,196 TO PURCHASE HARDWARE, SOFTWARE, AND A TECHNOLOGICAL ASSURANCE PLAN TO EQUIP THE POLICE DEPARTMENT'S PATROL DIVISION WITH BODY WORN CAMERAS. MOTION CARRIED 4-0.**

Purchase Police Cruisers and Command Vehicle – Police Department. Police Chief Fitzgerald said that the Board was asked to approve the purchase of two police cruisers (in the amount of \$28,912 each) and a major incident command vehicle (in the amount of \$36,824) and to utilize the State of Vermont contract with Formula Ford, of Montpelier, Vermont, for the purchase of the vehicles. He noted that the price did not include the cost to up-fit the vehicles with necessary police equipment, which would be requested after purchase of the vehicles. He said that the price of cruisers would increase if not ordered by the end of the month, as set forth in his memo dated July 6, 2018. He said that funds for the purchase of the vehicles and up-fit costs were included in the FY19 Capital Budget which was approved by Representative Town Meeting in March. There was some discussion by the Board.

**MOTION BY TIM WESSEL TO APPROVE PURCHASE OF TWO POLICE CRUISERS (IN THE AMOUNT OF \$28,912 EACH) AND A MAJOR INCIDENT COMMAND VEHICLE (IN THE AMOUNT OF \$36,824) USING THE STATE OF VERMONT'S CONTRACT WITH FORMULA FORD FOR THE PURCHASE OF THE VEHICLES. MOTION CARRIED 4-0.**

Name Private Road – Colonial Drive. Elwell said that the Vermont E911 Board requested that buildings comprising the Colonial Motel complex be assigned an address for emergency response purposes. He said that a private drive providing access from Putney Road into the Colonial Motel complex existed and the Board was asked to name it Colonial Drive, as set forth in a memo (with a map) dated June 26, 2018, from E911 Coordinator Rita Johnson. There was a brief discussion by the Board.

**MOTION DAVE SCHOALES TO APPROVE THE NAME OF COLONIAL DRIVE FOR THE ACCESS ROAD FROM PUTNEY ROAD INTO THE COLONIAL MOTEL COMPLEX, AS PRESENTED. MOTION CARRIED 4-0.**

Election Write-In-Procedures – Discussion. Board Member Wessel said he asked that this matter be added to the agenda so the Board could discuss the requirement that write-in candidates declare their candidacy in order to be counted. He said that the procedure seemed to obstruct the spirit of writing in a candidate, especially for early voters or absentee ballots where the write-in candidate may not be known to the voter. He said that the requirement seemed to be restrictive and undemocratic, and voters should

be able to vote for a candidate even if the candidate had a slim chance of winning. Town Clerk Hilary Francis spoke about the purpose of the Charter change that instituted the requirement for write-in candidates to publicly declare their candidacy, as set forth in her memo dated February 28, 2018 (with attachments). She said that the requirement clarified the voters' intent, eliminated a loophole in the petition requirement, and that the procedure to sign-up was very easy. She spoke about some scenarios where it was confusing for the vote counters to determine the voters' intent. Starr suggested that the requirement may restrict the grass roots level of democracy. There was much discussion by the Board. Elwell offered to seek advice from the Town Attorney and the Board could then vote on whether to add it to the Representative Town Meeting Warning.

**NO ACTION TAKEN.**

Review Status of Annual Selectboard Goals. Town Manager Elwell provided a status report for the Selectboard's quarterly review of progress in the achievement of the 2018-2019 goals, as provided in the Board's packets. There was some discussion by the Board.

**NO ACTION TAKEN.**

Committee Appointments O'Connor said that the Board was asked to nominate and appoint members to the Brattleboro Housing Partnerships Board of Commissioners, Cemetery Committee, Development Review Board (Alternate), Energy Committee, Honor Roll, and Planning Commission, as set forth in the Board's packets.

**MOTION BY DAVE SCHOALES TO APPOINT THE FOLLOWING:**

**BRATTLEBORO HOUSING PARTNERSHIPS BOARD OF COMMISSIONERS – Thomas Murray for a five-year term expiring 6/2023 and Janet Cramer for a term expiring on 6/2021;**

**CEMETERY COMMITTEE – Gary Stroud for a term expiring 6/2019;**

**DEVELOPMENT REVIEW BOARD ALTERNATE – David Whittle for a term expiring 6/2019;**

**ENERGY COMMITTEE – Oscar Heller for a term expiring 6/2020;**

**HONOR ROLL – Richard Campbell for a term expiring 6/2019;**

**PLANNING COMMISSION – Kathy Urffer for a term expiring 6/2022.**

**MOTION CARRIED 4-0.**

There was no further business.

**MOTION BY BRANDIE STARR TO ADJOURN AT 8:04PM. MOTION CARRIED 4-0.**

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Tim Wessel, Clerk