

**BRATTLEBORO SELECTBOARD  
TUESDAY, SEPTEMBER 4, 2018  
EXECUTIVE SESSION – 5:45PM  
REGULAR MEETING – 6:15PM  
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER  
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Library Director Starr LaTronica, and Executive Secretary Jan Anderson.

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

Others present: Diana Bander, Dick DeGray, Nick Nickerson, Rikki Risotti, Evie Lovett, Andrea Wasserman, Elizabeth Billings, Bob Woodward, Erin Skaggs, Stephanie Bonin, Daniel Quipp, Mikela Simms, Marie Stillson, Anna (did not provide last name), Terry Hendricks, Tom Hendricks, ASL interpreters Elizabeth Fox and Janet Dickinson, and others who did not sign the attendance sheet.

Chair Kate O'Connor called the meeting to order at 5:45pm. 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, THE NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, AND THE APPOINTMENT, 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 ASSISTANT TOWN MANAGER WERE INVITED TO ATTEND. MOTION CARRIED 4-0.**

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

***APPROVE MINUTES***

**MOTION BY BRANDIE STARR TO APPROVE MINUTES FROM THE AUGUST 21 AND AUGUST 24, 2018 MEETINGS. MOTION CARRIED 4-0.**

***CHAIR'S REMARKS***

Chair O'Connor addressed the Town's receipt of a letter from the ACLU asking the Town to repeal its "panhandling" ordinance. She said that a discussion regarding the repeal of the ordinance would be on the October 2 and October 16 Selectboard agendas. She commented about the inaccuracies in the ACLU letter where the Town of Brattleboro and the Police Department were painted as being uncompassionate to people in need. She spoke of collaborative efforts by the Town, several agencies, and residents who had been working together on such issues. She referenced the task force formed by the Police Chief with local social service agencies to meet people in need and offer assistance, the formation of Project C.A.R.E. (Community Approach to Recovery & Engagement), and an agreement instituted by a police officer with a local book retailer to provide reading materials for people who were incarcerated. She said that the topics of homelessness, poverty, and drug addiction would continue to take place because Brattleboro was, and would continue to be, a compassionate community.

O'Connor then thanked the Fire Department for sponsoring the annual pancake feed that took place last Sunday.

## **MANAGER'S COMMENTS**

None.

## **SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Schoales reported that the Compassion Committee did not meet this month.

Starr thanked O'Connor for her comments made under Chair's Remarks.

## **PUBLIC PARTICIPATION**

Diana Bander spoke of "assaults" that she encountered at the Brattleboro Transportation Center earlier in the day when she witnessed a person urinating and defecating at the BTC. She noted that several homeless persons had been staying at the BTC during the recent hot weather spell. She said that she should not have to witness such actions and asked the Board for a plan to change the atmosphere and address the safety of the public.

Dick DeGray noted that he had read a newspaper article about the ACLU letter referenced by the Chair. He spoke of the actions of people panhandling and called them "street aggressors" because they would "attack" people getting out of their cars, impede people trying to walk, and were vulgar and abusive to shoppers and downtown dwellers. He suggested that the Board prepare an ordinance specifying where panhandling was permissible. He said that he applauded the efforts by the Police Chief but accused the Administration and Board of being silent on the matter, and said he hoped that they would come to October 2 and October 16 meetings with solutions. He then asked Town Manager Elwell about the plans for the Municipal Center since the announcement that the State would not become a tenant. Elwell said that other alternatives were being considered and that public discussions would be held in the fall. DeGray then thanked Tom Franks (former Executive Director of Building a Better Brattleboro) for the gift of a "Pliny Park" plaque, and thanked Paul Ethier (from Recreation & Parks Department) for assistance in erecting the plaque at Pliny Park.

Terry Hendricks spoke of drug activity that she allegedly witnessed taking place on downtown streets. She also spoke of her concern for the safety of a previous speaker and other residents.

Nick Nickerson alleged that Bernie Sanders had turned his back on elderly people in need of dental care and instead pandered to the Millennials with free college tuition. He then said that he did not witness problems downtown and that he spent four hours yesterday viewing downtown activity and did not witness any unsavory activity.

Daniel Quipp announced that a "Rise for Climate" rally would be taking place on the Brattleboro Common on Saturday starting at 4:00pm. He said that the national focus was on climate leadership by public officials.

## **UNFINISHED BUSINESS**

### Ordinance Amendments – Second Reading and Public Hearing

- (i) *Chapter 11 (Licenses and Permits), Article IV (Taxicabs/Vehicles for Hire) re: Uber/Lyft*
- (ii) *Appendix C (Regulations Governing the Control of Traffic), Article I (Loading and Unloading Zones) and Article II (Parking) re: Flat Street near the Boys & Girls Club*

O'Connor said that the Board was asked to hold second readings and public hearings on two proposed ordinance amendments. She said that the Board would first discuss amendments to Chapter 11 pertaining to taxicabs.

- (i) *Chapter 11 (Licenses and Permits), Article IV (Taxicabs/Vehicles for Hire) re: Uber/Lyft.*

O'Connor opened the public hearing.

Elwell summarized the Board's previous discussions to amend the ordinance so that the same licensing and registration requirements on taxi cabs would also apply to operators of services, such as Uber and Lyft.

Terry Hendricks said that the proposed amendments were directed to provide safe services but they appeared unclear, broad scoped, and very general. She said that she and her husband lived in Vernon and operated a "transportation service" and they provided rides and assistance to residents by picking up and delivering groceries and prescriptions, as well as taking people to work when they did not have their own transportation. She said that the bus schedules were not convenient for many work schedules and the cab company's hours were not dependable. She asked about other transportation methods, such as buses and trains. She also inquired how such an ordinance would be governed, monitored, regulated, and enforced. She claimed their business met the municipal regulations in Vernon and those of the State. Elwell responded that bus and trains were regulated separately and the ordinance amendment was directed at services similar to taxi services. He said that the purpose was to provide the same protections to the public and level the playing field between taxis and other services. He said that the ordinance would apply to services where rides originated in Brattleboro and would not affect services driving through or dropping off riders.

The Board briefly discussed challenges in enforcement. Starr asked Hendricks if Vernon had similar regulations and insurance requirements and if the ordinance would require something similar to "double dipping." Hendricks said that their business currently met requirements by the State and their own municipality. She said they were required to have commercial carrier insurance and her husband held a CDL and wheelchair certification because they often provided rides to and from the hospital and Retreat

Elwell suggested that the Board could defer the discussion until the next meeting and staff could determine what requirements Vernon had and then bring the information back to the Board.

Schoales asked Hendricks about additional requirements that the ordinance would impose on their business. Hendricks said that it was primarily monetary as they would have to pay for additional licensing of drivers and vehicles.

Gander acknowledged there were factors pertaining to safety and leveling the playing field. She suggested providing an informational session to answer questions about the ordinance requirements. She also spoke of concerns that such an ordinance may make it more difficult to operate "side hustles" and small businesses. O'Connor noted that the website contained information in a booklet entitled "Doing Business in Brattleboro" which was very informative.

The Board generally agreed to carry the discussion, second reading, and public hearing over to the September 18 meeting.

O'Connor closed the public hearing.

**NO ACTION TAKEN.**

*(ii) Appendix C (Regulations Governing the Control of Traffic), Article I (Loading and Unloading Zones) and Article II (Parking) re: Flat Street near the Boys & Girls Club*

O'Connor said that the Board would discuss the ordinance amendment requested by the Boys & Girls Club to change a "no parking area" to a "loading area."

O'Connor opened the public hearing.

No public comments were offered.

Starr spoke in favor of the amendment.

O'Connor closed the public hearing.

**MOTION BY BRANDIE STARR TO APPROVE THE AMENDMENTS TO THE CODE OF ORDINANCES AT APPENDIX C (REGULATIONS GOVERNING THE CONTROL OF TRAFFIC), ARTICLE I (LOADING AND UNLOADING ZONES), AND ARTICLE II (PARKING), AS PRESENTED. MOTION CARRIED 4-0.**

Parking Matters

- (i) *Transportation Center Lighting/Painting*
- (ii) *Public Safety In and Around Town Parking Facilities*
- (iii) *Alternatives for Parking Rate Increases*
- (iv) *Sunday Parking Fees*
- (v) *Boot Procedures*
- (vi) *Shared Parking Arrangements*
- (vii) *Other Parking Related Matters*

O'Connor said that the Board was asked to review information provided by staff on several parking related topics that the Board previously identified as subjects for further review. Assistant Town Manager Patrick Moreland provided a memo dated August 29, 2018 containing multiple subject matters regarding parking, and he said that staff was particularly asking for direction from the Board pertaining to (1) illumination and lighting in the Brattleboro Transportation Center, and (2) increase in parking rates.

(i) *Transportation Center Lighting/Painting* - Moreland noted that his memo referenced several recommendations contained in the Desman Design Management Parking Study dated April 23, 2018. He said that the Board previously discussed painting the ceiling at the BTC with reflective paint, and he learned that the cost to do so was estimated by a painting expert to be about \$400,000 and \$500,000. He said that, alternatively, the Board may want to consider either increasing the wattage in the existing light fixtures or adding another row of lights, and that those options would each cost approximately \$35,000. He also discussed some possible funding considerations.

Diana Bander said that she participated in the Parking Study and stated that she was in favor of increasing the lighting as much as possible in order to eliminate dark spaces and shadows, which presented safety concerns. She also noted that the Parking Study suggested increasing lighting in the stairwells and elevator. Mikela Simms said that safety was a perception and suggested that one person may feel unsafe in a particular situation where another person would not. She suggested that the public not be afraid of people who were poor or lived in shadows, and that those people were also a part of the community. She said that people who lived on the streets were not safe and that safety of everyone should be considered. Dick DeGray recommended first taking the least expensive approach and then consider other options if necessary. Erin Skaggs, a downtown business owner, said that the BTC was perceived by many as an abandoned space because it was not properly cared for, or cleaned regularly, or properly kept up. She suggested using creative ideas and community energy to solve some of the perception issues. Stephanie Bonin, Executive Director at Downtown Brattleboro Alliance, asked the Board to hear other options, such as installing cameras, piping in music, and providing police scanners, before deciding on the lighting issue. She also asked what would happen to the many fixtures if they were replaced. Elwell said that several parking matters were being discussed at this meeting as a result of previous conversations by the Board and the public, and that such conversations continued to evolve. He noted that police data did not support the perception that more criminal activity was taking place at the BTC now than in the past.

The Board agreed to continue the discussion about lighting at the BTC to a time after it had discussed the other parking matters.

(ii) *Public Safety In and Around Town Parking Facilities* - Stephanie Bonin, from the Downtown Brattleboro Alliance, spoke about conversations and suggestions offered by members of DBA, including reclaiming the BTC, installing "Welcome to Brattleboro" signs, improving lighting, installing cameras, cleaning the BTC on a regular schedule, installing a community board, and having a person on-site (such as hospitality person, police annex, ticket taker at gates, or a retail operation). She also spoke about installing public bathrooms and cigarette receptacles in the community.

Diana Bander remarked that the BTC was a requirement in town since cars could not park overnight downtown or on streets in the winter. Dick DeGray spoke in support of installing cameras throughout town and about his concerns that aggressive behavior could escalate and become dangerous when people felt unsafe. Marie Stillson spoke against criminalization of people in living in poverty, in support of providing public toilets, and advocating for rights of people living in poverty. Anna (did not disclose last name) noted that new faces in town were not just those of homeless people or of people panhandling but may also be students or business owners. She also said that many women were not emotionally or physically safe in their own homes. She stated that she had never felt unsafe when people asked her for money. Rikki Risotti said that the front door of the building was locked and it was not handicapped accessible. O'Connor noted that the door at the back of the building was open and accessible. There was much discussion by the Board, including about the complexities of many subjects brought up at this meeting.

*(iii) Alternatives for Parking Rate Increases* - O'Connor noted that the Board previously considered increasing the parking rates and asked for additional information from staff before making a decision. She reviewed the four scenarios presented in Assistant Town Manager Moreland's memo dated August 29. Elwell noted that the Board's previous decision to upgrade the meters and kiosks would be funded by a loan from the Utilities Funds to the Parking Funds, but that other improvements to the parking infrastructure would require additional funds and the balance in the Parking Funds was only about \$10,000. Moreland noted that several improvements to the parking infrastructure had been previously discussed but could not be funded with parking rates at the current level and that parking rates had not been substantively raised in nearly 15 years. He also said that raising rates in the Harmony Lot and on Main Street to \$1 per hour would assist in turning over parking spaces for short-term parking. Dick DeGray, Daniel Quipp, Stephanie Bonin, and Bob Woodward provided their comments and opinions. Rikki Risotti asked for bike lanes on Main Street. There was much discussion.

The Board agreed to increase the parking rates in Harmony Parking Lot and on Main Street to \$1 per hour and to increase all other locations by \$0.10 per hour. Elwell said that staff would prepare a draft ordinance to reflect the increases and bring it back to the Board for a first and second reading in accordance with procedures for an ordinance amendment.

*(iv) Sunday Parking Fees* - Dick DeGray asked that the new meters and kiosks contain information about free parking on holidays and Sundays. The Board agreed that parking fees should not be collected on Sundays and that should be clearly noted.

*(v) Boot Procedures* - Gander suggested that this matter be moved to another meeting to allow time for a more in-depth conversation.

*(vi) Shared Parking Arrangements* - Elwell summarized that private property owners could agree amongst themselves to share parking in their lots, but the Town could not require private property owners to open their lots for public parking. He also noted that additional municipal parking space was not needed. There was a brief discussion by the Board.

*Continuation of Transportation Center Lighting/Painting* - The Board resumed its discussion about increasing the lighting in the Brattleboro Transportation Center. After further discussion, it was agreed to run a third track of lighting with 78 watt bulbs in the new track.

*(vii) Other Parking Related Matters* – Dick DeGray suggested increasing the overnight parking fees from \$10 to \$20. He also suggested adding to the new ordinance a Board review of parking rates every five years. He noted in Moreland's memo, that staff recommended setting aside funds of \$100,000 in the Parking Fund. He disagreed with that sum of money setting idle in a bank and suggested having a sum of \$25,000 in the fund. Elwell suggested that this matter be considered during the upcoming budget process.

The Board asked that the pending parking matters be added to the October 2 agenda for further discussion and consideration.

**NO MOTIONS WERE OFFERED ON ANY OF THE PARKING MATTERS.**

***NEW BUSINESS***

Mikela Simms asked that the Board add a discussion under future “new business” about the decolonization efforts taking place throughout the country and making the indigenous roots of this land more visible. Gander suggested that she contact the Brattleboro Words Project. There was a brief discussion.

Public Art Proposal – “River Wall” by Elizabeth Billings, Evie Lovett, & Andrea Wasserman. O’Connor said that the Board was asked to approve allowing the temporary installation of the “River Wall” at the Brattleboro Transportation Center to be replaced by a permanent installation of the same concept using more durable materials. The artists - Evie Lovett, Elizabeth Billings, and Andrea Wasserman – spoke about the “From the River, To the River” Project that had been installed in five locations in 2016. They said that the “River Wall” component installed on the outside wall of the Brattleboro Transportation Center was meant to be a temporary installation. They spoke about the support of the community and said they were investigating methods to make the River Wall a permanent installation. They said that the project was approved by the Town Arts Committee for recommendation to the Selectboard. They spoke about the expense and possible materials for the permanent installation. They spoke about fundraising opportunities and said that it would be completed at no cost to the Town. Erin Skaggs spoke in favor of involving the community in the project. There was some discussion by the Board, including the provision in the Town Arts Policy that artists maintain public artwork.

**MOTION BY DAVE SCHOALES TO APPROVE THE PERMANENT INSTALLATION OF “RIVER WALL” AT THE BRATTLEBORO TRANSPORTATION CENTER, SUBJECT TO (1) THE FUTURE PRESENTATION OF AN AGREEMENT ACCEPTABLE TO THE SELECTBOARD UPON THE RECOMMENDATION OF THE TOWN MANAGER AND TOWN ATTORNEY AND (2) THE PROJECT BEING COMPLETED AT NO COST TO THE TOWN. MOTION CARRIED 4-0.**

Energy Saving Projects

- (i) *Brattleboro Transportation Center*
- (ii) *Brooks Memorial Library*

Assistant Town Manager Moreland said that the Board was asked to authorize the Town Manager to enter into contracts for several energy efficiency improvements at the Brattleboro Transportation Center and Brooks Memorial Library, as set forth in his memo dated August 30, 2018. He spoke about the details of the two projects. He said that the Transportation Center project, including scope changes, was expected to be accomplished for less than the amount budgeted. He said that the scope of the Library project remained the same but the cost would be approximately \$170,000 more than budgeted. He said that the Library Board of Trustees agreed to cover the additional costs by an appropriation of Library funds. Library Director Starr LaTronica thanked the benefactor for the funds and the Board of Trustees for their commitment to the community. Daniel Quipp spoke in favor of energy efficiencies. There was some discussion by the Board.

**MOTION BY SHANTA LEE GANDER TO AWARD A CONSTRUCTION CONTRACT TO GPI CONSTRUCTION TO INSTALL A WOOD PELLET HEATING SYSTEM AND OTHER ENERGY SAVING MEASURES AT THE BRATTLEBORO TRANSPORTATION CENTER WITH A CONSTRUCTION MANAGEMENT FEE OF 7%, A GUARANTEED MAXIMUM PRICE FOR CONSTRUCTION OF \$174,747, AND AN OVERALL PROJECT COST OF \$185,645 BEFORE THE WINDHAM WOOD HEAT REBATE; AND**

**TO AWARD A CONSTRUCTION CONTRACT TO GPI CONSTRUCTION TO REPLACE THE AIR HANDLING SYSTEM AND COMPLETE OTHER ENERGY SAVING MEASURES AT BROOKS MEMORIAL LIBRARY WITH A CONSTRUCTION MANAGEMENT FEE OF 7%, A GUARANTEED MAXIMUM PRICE FOR CONSTRUCTION OF \$315,275, AND A TOTAL PROJECT COST OF \$348,917. MOTION CARRIED 4-0.**

Police-Fire Facilities Project - Certificates of Project Completion for 2013 Series 1 Bond and 2016 Series 1 Bond Issued by the Vermont Municipal Bond Bank. Elwell said that the Board was asked to approve certificates of project completion to the Vermont Municipal Bond Bank for the Police-Fire Facilities Project. He said that the purpose of the certificates, which were requested by the Bond Bank, was to declare that the projects were substantially complete and that the buildings were being used for the purpose that was declared when the bonds were approved. He acknowledged that approximately \$415,000 remained in the bond fund and staff would advise the Bond Bank of the final disposition of those funds after such final disposition was recommended by the Selectboard and approved by Representative Town Meeting. There was a brief discussion.

**MOTION BY DAVE SCHOALES TO APPROVE CERTIFICATES OF COMPLETION FOR 2013 SERIES 1 BONDS AND 2016 SERIES 1 BONDS ISSUED BY THE VERMONT MUNICIPAL BOND BANK. MOTION CARRIED 4-0.**

VLCT Annual Business Meeting – Appoint Voting Delegate. O'Connor said that the annual Town Fair of the Vermont League of Cities and Towns (VLCT) was holding its annual business meeting on October 3 and 4 and that the Town Manager requested that the Board designate him as the Town's official voting delegate for that meeting. There was no discussion by the Board.

**MOTION BY BRANDIE STARR TO APPOINT TOWN MANAGER PETER ELWELL AS THE TOWN OF BRATTLEBORO'S VOTING DELEGATE AT THE VERMONT LEAGUE OF CITIES AND TOWNS' ANNUAL BUSINESS MEETING ON OCTOBER 3, 2018. MOTION CARRIED 4-0.**

Announce Committee Vacancies Gander announced vacancies on various Town boards and committees.

**NO ACTION TAKEN.**

Schoales noted there was a survey in the notebooks from the Southern Vermont Economy Project and asked if a response would be submitted. Elwell said that the survey was directed to Selectboards and offered to work with the Chair to complete the survey.

There was no further business.

**MOTION BY BRANDIE STARR TO ADJOURN AT 9:20PM. MOTION CARRIED 4-0.**

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Tim Wessel, Clerk