

**BRATTLEBORO SELECTBOARD
TUESDAY, SEPTEMBER 20, 2016
EXECUTIVE SESSION – 5:15PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Public Works Director Steve Barrett, Recreation & Parks Director Carol Lolatte, Parks Supervisor Paul Ethier, Fire Chief Mike Bucossi, Assistant Fire Chief Len Howard, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, and Executive Secretary Jan Anderson.

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

Others present: James Banslaben, William Isch, Linda Alvarez, Orlando Alvarez, Avery Schwenk, Alex Beck, Peter Boemig, Michael Cersosimo, RT Brown, Adam Grinold, Franz Reichsman, Tom Gentile, members from Brattleboro Music Center, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:15pm. He confirmed that the meeting was officially warned.

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

Gartenstein reconvened the business meeting at 6:15pm.

APPROVE MINUTES

MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM SEPTEMBER 6, 2016 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein noted that annual paving work had been recently completed by the Department of Public Works and by the State who repaved a substantial section of Route 9. He said that Public Works was also preparing for other winter projects.

MANAGER'S COMMENTS

Town Manager Elwell thanked the Public Works Department for restriping lines and crosswalks in preparation for winter. He also announced that a bus service from Boston to Brattleboro would be available starting on October 1.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Schoales reported that the Windham Solid Waste Management District Finance Committee would meet soon.

DeGray thanked James Banslaben for his assistance with changing the downtown flowers. He also expressed disappointment that recent protesters defaced public and private walls with their protest messages.

PUBLIC PARTICIPATION

None.

LIQUOR COMMISSIONERS

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

First Class Liquor License - Restless Rooster LLC. Gartenstein said that the Board was asked to approve the first class liquor license for The Restless Rooster, LLC, located at 134 Elliot Street. Linda and Orlando Alvarez, owners of the business, were present and discussed the business. Linda Alvarez said that the restaurant was open for breakfast and lunch and they would like to serve wine and mimosas with meals. There was a brief discussion by the Board.

MOTION BY RICHARD DEGRAY TO APPROVE THE FIRST CLASS LIQUOR LICENSE FOR THE RESTLESS ROOSTER, LLC, LOCATED AT 134 ELLIOT STREET. MOTION CARRIED 5-0.

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

WATER AND SEWER COMMISSIONERS

MOTION BY DAVID SCHOALES TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

Welcome Center Pump Station. Elwell said that the Board was asked to accept the State of Vermont's Letter of Commitment to allow the State to move forward with the final design and funding to upgrade the pump station at the Welcome Center in Guilford, Vermont, as set forth in the memo dated September 15, 2016, from Public Works Director Steve Barrett. He said that the State was proposing to upgrade the Welcome Center Pump Station at the State's expense and then convey the pump station to the Town. Public Works Director Barrett spoke briefly about the history of the pump station. There was some discussion by the Board.

MOTION BY JOHN ALLEN TO ACCEPT THE STATE OF VERMONT'S LETTER OF COMMITMENT TO ALLOW THE STATE TO MOVE FORWARD WITH THE FINAL DESIGN AND FUNDING TO UPGRADE THE PUMP STATION AT THE WELCOME CENTER IN GUILFORD, VERMONT. MOTION CARRIED 5-0.

MOTION BY JOHN ALLEN TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

Police-Fire Facilities Project Update. Elwell provided the Board with updates on the construction of the West Brattleboro Fire Station and the pre-construction activities for the Central Fire Station and Police Station, as set forth in his memo dated September 15, 2016. He said that the Board was not asked to take any action and there were no complicated or unusual matters to address. He also discussed the changes added into the Police Department plans to increase handicap parking spaces, the proposed solution to the automatic door opener, and drainage to the parking lot, all as requested by members of the Board at the last meeting. There was some discussion by the Board.

NO ACTION TAKEN.

Traffic Safety Committee's Initial Response to Request for Additional Pedestrian Lights. Gartenstein said that the Traffic Safety Committee met recently and discussed DeGray's previous request to install four pedestrian crossing lights (\$7,500 each) and to add \$30,000 per year to the budget for five years in order

to purchase and install pedestrian safety devices. He said that Highway/Utility Superintendent O'Connell inventoried all of the crosswalks in Town and provided the information to the Committee. He said that the Committee discussed alternatives to improve traffic safety, was in favor of allocating funds in the capital plan to do so, and requested additional time to further discuss available devices, tools, and installations before making a recommendation for action. Elwell spoke about matters discussed at the Traffic Safety Committee meeting and suggested that the Selectboard could add a Traffic Safety line item to the capital budget without specific instruction as to which device(s) may be purchased. Barrett spoke in favor of funding a line item for such devices but requested that they not be labeled with specific uses so they could be purchased as determined to be necessary. DeGray spoke at length about the need to strengthen pedestrian safety with flashing crosswalk lights and suggested that the funds could be utilized immediately from surplus funds. He agreed to relinquish his previous request for \$30,000 for the next five years. Schoales agreed that budget planning was a good first step and he spoke in favor of purchasing and installing four pedestrian lights at this time. There was discussion by the Board about the need for traffic safety devices, using surplus funds, and leaving the decision about tools and devices to the Department of Public Works and the Traffic Safety Committee.

MOTION BY RICHARD DEGRAY TO SPEND \$30,000 THIS CALENDAR YEAR OUT OF THE SURPLUS 1% MONEY TO PURCHASE FOUR ADDITIONAL [PEDESTRIAN] CROSSWALK LIGHTS.

Elwell suggested removing reference to the specific fund from which to draw the monies in order to allow flexibility in balancing the overall budget. He noted there were substantial surplus funds in the general fund balance. DeGray agreed to amend the motion accordingly.

AMENDED MOTION BY RICHARD DEGRAY TO SPEND \$30,000 THIS CALENDAR YEAR TO PURCHASE FOUR ADDITIONAL [PEDESTRIAN] CROSSWALK LIGHTS.

DeGray spoke about possible high traffic locations to install the crosswalk lights, including two on Canal Street at the intersections with Fairview Street and Washington Street. There was much discussion by the Board about pedestrian safety, supporting the motion to expend funds this year on traffic safety devices, adding a line item for traffic safety into the budget discussions, and leaving the decision about which devices to purchase to the Department of Public Works. DeGray spoke further about the effectiveness of the flashing lights and the immediate need to increase pedestrian safety. Barrett spoke in support of allotting funds for this purpose and in allowing DPW to analyze specific areas of concern, bringing them to the Traffic Safety Committee, and getting engineering approval of the recommendation. Elwell noted that installation of devices and tools should follow the MUTCD (Manual on Universal Traffic Control Devices) standards and guidelines. There was much discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO AMEND THE MOTION AS FOLLOWS: TO SPEND \$30,000 FROM THE CURRENT YEAR'S BUDGET TO PURCHASE OR INSTALL TRAFFIC PEDESTRIAN SAFETY DEVICES, INSTRUCTING THE DEPARTMENT OF PUBLIC WORKS TO MAKE A RECOMMENDATION TO THE SELECTBOARD WITHIN TWO MONTHS ON HOW THE \$30,000 SHOULD BE SPENT. MOTION TO AMEND THE MOTION CARRIED 5-0.

There was no further discussion.

AMENDED MOTION BY DAVID GARTENSTEIN TO SPEND \$30,000 FROM THE CURRENT YEAR'S BUDGET TO PURCHASE OR INSTALL TRAFFIC PEDESTRIAN SAFETY DEVICES, INSTRUCTING THE DEPARTMENT OF PUBLIC WORKS TO MAKE A RECOMMENDATION TO THE SELECTBOARD WITHIN TWO MONTHS ON HOW THE \$30,000 SHOULD BE SPENT. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

NEW BUSINESS

Financial Report – June 2016 Year-End Financial Report (Unaudited Results). Elwell provided a summary of the FY16 year-end results, including having a substantial surplus of funds, as outlined in the Selectboard Meeting 09-20-16

memo from Finance Director John O'Connor, dated September 12. He said that it was an unusual year with several factors that lead to the surplus funds and he discussed several areas that came in under budget and some unusual circumstances contributing to the surplus. He said that he would present a long-term financial plan in the near future for the Board's review and discussion. There was a brief discussion by the Board.

NO ACTION TAKEN.

Financial Report – Monthly Report, August. Finance Director O'Connor presented and discussed the August, 2016, Financial Report. There was a brief discussion by the Board.

NO ACTION TAKEN.

Budget Calendar. Elwell said that the Board was asked to consider the FY18 general budget discussion schedule proposed in his memo dated September 15, 2016. The proposed schedule would include meetings every Tuesday evening from November through January. The general consensus was that meetings would be scheduled on specific days and times once the FY18 budget was prepared and ready for discussion.

NO ACTION TAKEN.

Potential Reconsideration of Bittersweet Lane. Gartenstein said that after public meetings, a site review, and public hearing, the Board rendered its decision on August 25, 2016 on the request to lay out Bittersweet Lane as a town road. He said that after the decision was rendered, interested property owners requested that the Board reconsider its decision. He clarified that the Board would not hold discussions at this meeting on the merits of the matter and if the Board decided to reconsider its decision it would undertake a new review process with proper public notice. Peter Boemig apologized for not attending the site visit or public hearing and said he assumed that the Board's decision would follow general past practice where the Town would take over a road when the developer met the conditions in the development agreement. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES THAT THE BOARD RECONSIDER THE DECISION WHETHER TO TAKE OVER BITTERSWEET LANE. MOTION CARRIED 5-0.

Request to Rename Street – “Winston Prouty Way” to “Blanche Moyse Way”. Elwell said that the Board was asked to approve Brattleboro Music Center's request to rename “Winston Prouty Way” to “Blanche Moyse Way.” There was a brief discussion by the Board. Members from the Brattleboro Music Center thanked the Board.

MOTION BY DAVID SCHOALES TO APPROVE RENAMING “WINSTON PROUTY WAY” TO BE “BLANCHE MOYSE WAY.” MOTION CARRIED 5-0.

Southeastern Vermont Economic Development Strategies (SeVEDS) – Mid-Year Report. Members from Brattleboro Development Credit Corporation (BDCC) - Adam Grinold, Executive Director, Alex Beck, Workforce and Education Specialist, and R.T. Brown, Windham County Economic Development Programs Project Manager – were present and provided and discussed the BDCC mid-year update from BDCC and SeVEDS (Southeastern Vermont Economic Development Strategies). Grinold said that they would be providing a summary of programs and activities offered by BDCC. He announced that CEDS project applications (Comprehensive Economic Development Strategies) were now being accepted and due by October 11, 2016. He discussed the CEDS project and the application process. Beck spoke about several workforce development programs being offered by BDCC, including Young Professionals Group, Fast Tracks to Success Career Awareness Program, Internship Program with a six college collaborative, and the Cluster Roundtable Initiative. Brown spoke about economic development outreach programs and initiatives throughout the county, including the INSTIG8 initiative that provided an

environment for creative entrepreneurs. There were several questions and much discussion between the Board and participants.

NO ACTION TAKEN.

Living Memorial Park Swimming Pool Improvements – Proposed Change Order to Increase Scope and Cost due to Unforeseen Soil Conditions. Elwell noted that this was an added item to the agenda because of an unexpected urgent issue encountered during the upgrade to the swimming pool at Living Memorial Park. He said that the contractor encountered a large granite boulder under the pool where new pipe was to be laid in order to lower the main drain to bring it into compliance. He said that the workers were chipping at the boulder but it added time to the project while several pieces of equipment were idle until work could resume. He also noted that upon removal of multiple layers of paint and coverings on the pool, various structural cracks and deficiencies were found and in need of repair. He also requested that the Board approve a change order for a credit of \$3,000 for “chemicalizing the pool and balancing” where Town staff could perform the work at a much lower cost. He said that the Board was asked to approve three change orders which would increase the cost of the contract by \$10,381.72. There was a brief discussion

MOTION BY JOHN ALLEN TO APPROVE CHANGE ORDER #1 (ADDING \$4,301.72), CHANGE ORDER #2 (ADDING \$9,080), AND CHANGE ORDER #3 (DEDUCTING \$3,000) FOR A NET INCREASE OF \$10,381.72 IN THE COST OF THE CONTRACT BETWEEN THE TOWN OF BRATTLEBORO AND G.S. BOLTON FOR CONSTRUCTION OF IMPROVEMENTS AT THE MEMORIAL PARK SWIMMING POOL. MOTION CARRIED 5-0.

Governor’s Highway Safety Drug Recognition Expert Grant – Accept and Appropriate, Police Department. Police Chief Fitzgerald and Captain Carignan were present. Fitzgerald said that the Board was asked to accept and appropriate a \$1,200 Governor’s Highway Safety Program Drug Recognition Expert (DRE) Grant for the DRE to perform evaluations of suspects arrested by Brattleboro Police Officers and other agencies. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO ACCEPT AND APPROPRIATE A \$1,200 GOVERNOR’S HIGHWAY SAFETY PROGRAM DRUG RECOGNITION EXPERT GRANT. MOTION CARRIED 5-0.

Governor’s Highway Safety Grants – Accept and Appropriate, Police Department

- (i) Occupant Protection Grant
- (ii) DUI Grant
- (iii) Equipment Grant

Police Chief Fitzgerald said that the Board was asked to accept and appropriate three grants from the Governor’s Highway Safety Program in the amounts of \$11,000 for Occupant Protection overtime, \$8,000 for DUI overtime, and \$4,000 for Equipment. There was no discussion.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE THREE GRANTS FROM THE GOVERNOR’S HIGHWAY SAFETY PROGRAM IN THE AMOUNTS OF \$11,000 FOR OCCUPANT PROTECTION, \$8,000 FOR DUI, AND \$4,000 FOR EQUIPMENT. MOTION CARRIED 5-0.

LSTA Loan Courier Pilot Program-Round 2 Grant – Accept and Appropriate, Brooks Memorial Library. Elwell said that the Board was asked to accept and appropriate \$142.50 from the Vermont Department of Libraries LSTA Loan Courier Pilot Program-Round 2 to support services for lifelong learning by facilitating resource sharing efforts among Vermont public libraries by encouraging and supporting interlibrary loan. There was no discussion by the Board.

MOTION BY KATE O’CONNOR TO ACCEPT AND APPROPRIATE \$142.50 FROM THE VERMONT DEPARTMENT OF LIBRARIES LSTA LOAN COURIER PILOT PROGRAM-ROUND 2. MOTION CARRIED 5-0.

Energy Committee – *Recommendation to Reduce Membership*. Gartenstein said that the Board was asked by the Energy Committee to reduce the number of members on the Committee from eleven to nine in order to better facilitate achieving a quorum. There was no discussion by the Board.

MOTION BY RICHARD DEGRAY TO REDUCE THE NUMBER OF MEMBERS ON THE ENERGY COMMITTEE FROM ELEVEN TO NINE. MOTION CARRIED 5-0.

There was no further business.

MOTION BY RICHARD DEGRAY TO ADJOURN AT 9:10PM. MOTION CARRIED 5-0.

David Schoales, Clerk