

**BRATTLEBORO SELECTBOARD
TUESDAY, OCTOBER 16, 2018
COMMITTEE INTERVIEW – 5:15PM
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

Selectboard members present: Kate O'Connor, Brandie, Starr, Tim Wessel, 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, and Executive Secretary Jan Anderson.

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

Others present: Gary Stroud, Dale Joy, Nick Nickerson, Ricky Davidson, Waylon Adams, Alex Meima, Dick DeGray, Nunya Boogie, Gershom Moore, ASL interpreters Janet Dickinson and Karen Todd, and others who did not sign the attendance sheet.

Chair O'Connor called the meeting to order at 5:15pm. She confirmed that it was properly warned. She said that the first order of business was to conduct an interview with Gary Stroud, who submitted an application for the Citizen Police Communications Committee (CPCC). Stroud told the Board why he applied for this committee and his visions for the Town. After the interview was complete, O'Connor said that the Board may make the appointment later in the meeting.

MOTION BY KATE O'CONNOR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS MADE FOR THE PURPOSE OF PROVIDING PROFESSIONAL LEGAL SERVICES TO THE BODY, THE NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, 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 ASSISTANT TOWN MANAGER WERE INVITED INTO THE SESSION. MOTION CARRIED 5-0.

Chair O'Connor reconvened the meeting at 6:18pm.

APPROVE MINUTES

O'Connor asked the Board to approve the minutes from the October 2, 2018 meeting. There was no discussion.

MOTION BY TIM WESSEL TO APPROVE MINUTES FROM THE OCTOBER 2, 2018 MEETING. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair O'Connor thanked the organizers of the Literary Festival for their work at this year's festival. She also reminded the public that voting day was scheduled on Tuesday, November 6, and that the polls would be open from 7:00am to 7:00pm. She said that voting would take place this year at the American Legion located at 32 Linden Street. She said that the November 6 Selectboard meeting would be held in the Selectboard Meeting Room at the normal time.

MANAGER'S COMMENTS

Town Manager Elwell said that early voting was currently taking place at the Town Clerk's Office during normal business hours. He said that the Town Clerk's Office would also be open for early voting on Saturday, November 3 from 9:00am to 12:00noon. He also reminded the residents that leaf collections

would occur on Friday, October 26 and November 9. He clarified that the leaves must be packaged in brown paper leaf bags that were available at various stores around town. He also announced that the Windham Solid Waste Management District (WSWMD) would be collecting hazardous waste and toxic materials on Saturday, October 27, from 8:00am to 12:00noon. He said that the cost was \$5/household for up to 10 gallons of hazardous waste. He asked that participants remove paint from the hazardous waste deposits because paint was collected all year long at the WSWMD, or Brown & Roberts Hardware Store, or True Value Hardware Store.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

Ricky Davidson, from the Boys and Girls Club, thanked the Town for changing the “no parking zone” in front of the Club as he had requested so parents could drop off and pick up their children without getting parking tickets. He also thanked the Public Works Department for the drainage work they just completed outside of the Club. He said that the Club now had a dry basement.

Dale Joy read a statement that she prepared. Her statement contained comments about remarks that she made at the previous Selectboard meeting and her beliefs about how public participation should be conducted. She apologized for her graphic language at the previous meeting and corrected a reference she made to previous police chief. She also made reference to the pending lawsuit against the Town and Police Department for alleged sexual harassment and misconduct. She then spoke of her disapproval of artists displaying their website addresses on public art. She said she contacted the State and was told that it was not acceptable to use public land for displaying private business advertisement unless all businesses were allowed the same courtesies. She stated that dot-com addresses were not artists’ signatures and the artists should not be allowed free advertising on public property. Chair O’Connor responded to her comments about public participation and said that members of the public and Board members would be held to the same standards as outlined in the Board’s Rules for Conduct of Meetings and Hearings.

Dick DeGray thanked the Police Chief and staff for the increased police presence downtown. He said that people downtown felt more secure with the increased police presence.

UNFINISHED BUSINESS

Repeal of Anti-Panhandling Ordinance – Chapter 13, Article I, Section 13-2, Public Hearing, Second Reading and Final Adoption. O’Connor said that the Board was asked to hold a second reading and public hearing on a proposed amendment to the Code of Ordinances repealing the Town’s “Begging” ordinance. She summarized that the Town recently received a letter from the ACLU demanding that the ordinance be repealed because it was unconstitutional. She said that the ordinance had not been enforced in years and that the Town Attorney advised repealing it. She read the language that would be repealed.

Chair O’Connor opened the public hearing.

There was no public comment.

Schoales suggested inviting Police Chief Fitzgerald to discuss the increased foot patrols downtown. He said that a previous discussion focused on the many causes of panhandling in downtown and various long-range suggestions were made. Chief Fitzgerald said that enforcement was only a component in addressing the issue and that engagement from various sources was need, including town government, citizens, law enforcement, and subject matter experts from various agencies. He said that the safety and protection of all citizens were the department’s priority. He noted that the department continued to be understaffed and he discussed the lengthy process of hiring and training police officers. He said that officers could park their cruisers downtown at all hours and complete reports from their cruisers which would provide more presence downtown unless they received a priority call at another location. O’Connor said she reviewed the police report press releases on the department’s website and inquired how much of police work was social service-type work. Fitzgerald said that much of police work was

quality of life work and that monthly reports and activities would soon be posted on the department's webpage, along with Twitter and Facebook. Wessel noted that meeting various law enforcement demands affected the allocation of resources. Fitzgerald agreed that increasing enforcement in one area would impact enforcement in other areas. He said that assignments were being reviewed and may be more data driven. Schoales agreed that addressing the cause was important but that symptoms also needed attention and the perception of safety was one such symptom. He inquired about installing cameras in the downtown area and monitoring them by non-police personnel. Fitzgerald responded that cameras were a valuable resource in solving crimes but did not address the goal and may install a false sense of accomplishment. Starr said she appreciated the department's deep involvement in the entire community, including those without homes.

Chair O'Connor closed the public hearing

MOTION BY BRANDIE STARR TO APPROVE AN AMENDMENT TO THE CODE OF ORDINANCES AT CHAPTER 13, ARTICLE I, BY REPEALING THE "BEGGING ORDINANCE" AT SEC. 13-2, AS PRESENTED. MOTION CARRIED 5-0.

Amend Parking Rate Ordinance– Chapter 16, Article VI, Section 16-111, Public Hearing, Second Reading and Final Adoption. O'Connor said that the Board was asked to hold a second reading and public hearing on proposed amendments to the parking rates in metered spaces and in parking lots.

Chair O'Connor opened the public hearing.

Nunya suggested that a portion of the money from the parking meters be devoted to installing a bike lane in the downtown area. They said that cyclists deserved a safe space.

Dick DeGray suggested that, in addition to posting the Police Department's report on its webpage, all monthly department reports be posted on the Town's website. He expressed his disappointment in the Board's recent refusal to increase rates for overnight parking violations. He said that fines had not increased in over fifteen years and this would have been an opportunity to increase the penalty. He noted that repeat violators affected downtown residents on a daily basis and were a particular hardship in the winter season. Wessel responded that DeGray's request had not fallen on deaf ears.

Ricky Davidson, from the Boys & Girls Club, said he was grateful for the plan to install meters that did not require coinage. He then spoke about his staff feeling unsafe when leaving the Club and walking to their vehicles. He suggested that in order to improve the quality of life as mentioned in an earlier discussion, some funds from the increased parking rates be used to improve the quality of life in relation to public parking. He said that the public perception would improve if they saw quality of life improvements made downtown. He noted that the new LED lights in the Transportation Center were a dimmer light. Chair O'Connor responded that the Board recently approved the installation of an additional strip of lights in the Transportation Center. DeGray asked when the lights in the Transportation Center would be installed. Assistant Town Manager Moreland responded that the lights would likely be installed in the first quarter of next year, along with other capital improvement projects.

Gander requested that the Board continue to look at creative ways and take a wider-range approach in addressing downtown concerns.

Elwell noted a correction to the ordinance amendment where Section (f) had previously shown that it would be deleted. However, he said, the deletion of that paragraph was inadvertent and was reinstated in the corrected version of the ordinance in the Board's packets. He read the section that would remain in the ordinance.

Chair O'Connor closed the public hearing.

MOTION BY SHANTA LEE GANDER TO APPROVE AMENDMENTS TO THE PARKING RATE ORDINANCE IN THE CODE OF ORDINANCES AT CHAPTER 16, ARTICLE VI, SECTION 16-111, AS PRESENTED. MOTION CARRIED 5-0.

NEW BUSINESS

Financial Report – Monthly Report, September. Finance Director John O' Connor presented and discussed the monthly financial report for September. Nunya asked local residents to consider the future of the town and consider adding digital currency that could fund a survivor of violent crime reparation project. There was some discussion by the Board.

NO ACTION TAKEN.

Annual Tax Sale – Authorization to Bid. Elwell said that the Board was asked to authorize Finance Director and Treasurer, John O'Connor, to act as its agent and to bid on any property for which there was no other qualified bidder at the tax sale on October 24, 2018, as set forth in O'Connor's memo dated October 8, 2018. There was some discussion by the Board.

MOTION BY DAVE SCHOALES TO AUTHORIZE FINANCE DIRECTOR AND TREASURER, JOHN O'CONNOR, TO ACT AS THE TOWN'S AGENT AND TO BID ON ANY PROPERTY FOR WHICH THERE IS NO OTHER QUALIFIED BIDDER AT THE TAX SALE ON OCTOBER 24, 2018. MOTION CARRIED 5-0.

Award Bids –

- (i) *Winter Sand*
- (ii) *Winter Road Salt*

(i) Elwell said that the Board was asked to award the bid for winter sand to Zaluzny Excavating, from Vernon, Vermont, in the amount of \$8.70 per cubic yard delivered. He said two bids were received and Zaluzny Excavating was the low bidder, as set forth in a memo dated October 3, 2018, from Public Works Director Steve Barrett. There was a brief discussion by the Board.

MOTION BY SHANTA LEE GANDER TO AWARD THE BID FOR WINTER SAND TO ZALUZY EXCAVATING IN THE AMOUNT OF \$8.70 PER CUBIC YARD DELIVERED. MOTION CARRIED 5-0.

(ii) Elwell said that the Board was also asked to award the bid for winter road salt Apalachee Salt, from Rochester, New York, in the amount of \$75.00 per ton delivered. He said the State's Purchasing and Contract Administration Division solicited bids for winter salt and Apalachee Salt submitted the lowest bid. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO AWARD THE BID FOR WINTER ROAD SALT TO APALACHEE SALT IN THE AMOUNT OF \$75.00 PER TON DELIVERED. MOTION CARRIED 5-0.

Request for Future Consideration of Bulky Item Pick-ups and Other Solid Waste Matters - Selectboard Board member Gander said that she asked the Board to consider adding bulky item collection to the Town's curbside collection program and to conduct a survey to solicit public input on the Town's Pay-As-You-Throw (PAYT) program. She said that she sent out an informal survey and received feedback indicating there was interest. She also suggested reviewing such policies and procedures regularly to understand how households were impacted and to explore further options. There was much discussion by the Board about a bulky item pick-up program, the success of the PAYT/recycling/composting programs, and what a survey would entail. Ricky Davidson noted that the cost of recycling was increasing. Elwell said that the bulky item discussion was timely because budget discussions would take place starting with the next meeting, and the question of whether to conduct a survey could be discussed separately at a later time.

NO ACTION TAKEN.

Accept and Appropriate Grant –Bulletproof Vest Partnership Grant from Bureau of Justice Assistance. Elwell said that the Board was asked to accept and appropriate a Bulletproof Vest Partnership Grant in the amount of \$3,196 from the Bureau of Justice Assistance, as set forth in the memorandum dated October 9, 2018, from Grants Manager Kim Ellison. There was no discussion by the Board.

MOTION BY BRANDIE STARR TO ACCEPT AND APPROPRIATE A BULLETPROOF VEST PARTNERSHIP GRANT IN THE AMOUNT OF \$3,196 FROM THE BUREAU OF JUSTICE ASSISTANCE. MOTION CARRIED 4-0 (GANDER WAS NOT PRESENT AT THE TIME OF THE VOTE).

Selectboard Goals – Quarterly Review. Elwell said that the Selectboard's notebooks included a status report on the Selectboard's goals for 2018-2019. He summarized the progress made toward achieving and accomplishing the goals. There was much discussion by the Board. Schoales reported that during Career Day, there was some interest in considering Brattleboro as a place to work by University of Vermont students. He also reported that the Compassion Committee recently met and was initiating a speaker series in order to integrate compassion into day-to-day activities, including compassion in schools, healing and medical communities, human services, town government (including the police department), business, and healthy souls (spiritual and religious communities). He then spoke about affordable housing challenges and how that problem affected possible economic growth in the community and businesses. He asked the Board to consider sponsoring a forum with professionals who would present information about housing opportunities. Wessel said that he expected to ask for a reconsideration of a 1% local option sales tax. There was much discussion by the Board.

NO ACTION TAKEN.

Committee Appointments – O'Connor said that the Board held interviews for the Citizen Police Communications Committee (CPCC) on October 2 and at the start of this meeting. She said that another application had been received from Carol Forsythe, who was not available for today's interview. She asked the Board whether to make an appointment based on the applications and prior interviews, or to schedule another interview when the fourth applicant was available. The Board agreed to vote at this time.

**SCHOALES NOMINATED GARY STROUD, WHO RECEIVED 5 VOTES.
WESSEL NOMINATED CAROL FORSYTHE, WHO RECEIVED 0 VOTES.
STARR NOMINATED DARAH KEHNEMUYI, WHO RECEIVED 3 VOTES.
SCHOALES NOMINATED PETER SEARES, WHO RECEIVED 1 VOTE.**

GARY STROUD WAS APPOINTED TO THE CITIZEN POLICE COMMUNICATIONS COMMITTEE.

O'Connor then asked for nominations for the Energy Committee for a term expiring in 2021.

MOTION BY DAVE SCHOALES TO APPOINT RALPH MEIMA TO THE ENERGY COMMITTEE FOR A TERM TO EXPIRE IN 2021. MOTION CARRIED 5-0.

There was no further business.

MOTION BY SHANTA LEE GANDER TO ADJOURN AT 8:20PM. MOTION CARRIED 5-0.

Tim Wessel, Clerk