

TO: Selectboard February 27, 2014
FROM: Patrick Moreland, Interim Town Manager
SUBJECT: Administrative Report

The following will summarize the proposed motions for those items on the Agenda for the Tuesday, March 4, 2014 Selectboard Meeting. It is anticipated that the Board will meet in executive session beginning at 5:30pm to discuss a contract matter, personnel matter, and potential litigation; the regular meeting will begin at 6:15pm.

7. LIQUOR COMMISSIONERS

- A. Second Class Liquor License – *Three Dollar Dewey's Inc. d/b/a/ McNeill's Pub and Brewery*. The Board is asked to approve a second class liquor license for McNeill's Pub and Brewery, located at 90 Elliott Street. Mr. McNeill has ceased brewing at the Book Press on Browne Court, and will again be brewing at the 90 Elliott Street facility. A second class liquor license will allow for the sale of bottled beer during regular business hours from that location. The owner is in possession of a current business license and does not owe any fees or back taxes. Brattleboro Fire and Brattleboro Police have reviewed and approve the application.

POTENTIAL MOTION: TO APPROVE A SECOND CLASS LIQUOR LICENSE FOR THREE DOLLAR DEWEY'S, INC., D/B/A MCNEILL'S PUB AND BREWERY LOCATED AT 90 ELLIOT STREET.

- B. First Class Liquor License – *Adventure Restaurant Group, Inc. d/b/a Duo Restaurant*. The Board is asked to approve a first class liquor license for David Ingerman and Michael Onorato for Duo Restaurant, to be located at 136 Main Street, in the Brooks House. The owners are from Denver and currently operate a successful restaurant in that state. They hope to open Duo in August after the renovation of the Brooks House is complete. The owners have a current business license and do not owe any fees or back taxes. Brattleboro Fire and Brattleboro Police have reviewed and approve the application.

POTENTIAL MOTION: TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR ADVENTURE RESTAURANT GROUP, INC., D/B/A D/B/A DUO RESTAURANT, LOCATED AT 136 MAIN STREET.

- C. Special Event Permit – *Champlain Orchards Inc.* The Board is asked to approve a Special Event Permit for Champlain Orchards, Inc., located at 3597 Route 74 West, Shoreham, Vt. The event will allow the company to distribute small samples of their beverages to the public. The event coincides with Gallery Walk on Strolling of the Heifers weekend on June 6. The event will be held between 5:30pm and 8:30pm at the Robert H Gibson River Garden. Brattleboro Fire and Brattleboro Police have reviewed and approve the application.

POTENTIAL MOTION: TO APPROVE A SPECIAL EVENT PERMIT FOR CHAMPLAIN ORCHARDS, INC., OF SHOREHAM VERMONT FOR FRIDAY, JUNE 6 BETWEEN THE HOURS OF 5:30PM AND 8:30PM AT THE ROBERT H GIBSON RIVER GARDEN LOCATED AT 157 MAIN STREET.

- D. Liquor & Tobacco License Renewals – *Annual Renewals*. The Board is asked to approve the annual renewal of liquor and tobacco licenses. The process for renewals is less involved than the initial application; the Board generally reviews them to examine

any violations. A letter was sent out to all businesses with a current liquor or tobacco license asking them to submit their application to the Town Clerk by February 21. All existing licenses expire on April 30. The list of renewals is presented noting any violations reported to the Town by the Vermont Department of Liquor Control. There is only one reported violation and it involves West Brattleboro Pizza. Brattleboro Fire and Brattleboro Police have reviewed and approve the application. The Board may approve the list in its entirety or may approve the list with exceptions.

POTENTIAL MOTION: TO APPROVE THE LIST OF ESTABLISHMENTS REQUESTING ANNUAL RENEWAL OF LIQUOR AND TOBACCO LICENSES.

- E. Outside Consumption Permit – Brattleboro Country Club. The Board is asked to approve an outside consumption permit for the Brattleboro Country Club. The club has held a first class liquor license for many years, but due to an oversight, has never obtained an outside consumption permit. The requested permit would allow the business to legally serve alcoholic beverages on the front porch, the outside deck and on the patio. The owners are in possession of a valid business license and no back taxes or fees are owed to the Town. Brattleboro Fire and Brattleboro Police have reviewed and approve the application.

POTENTIAL MOTION: TO APPROVE AN OUTSIDE CONSUMPTION PERMIT FOR THE BRATTLEBORO COUNTRY CLUB LOCATED AT 52-59 SENATOR GANNETT DRIVE.

8. **WATER AND SEWER COMMISSIONERS**

- A. Utility Abatements – Tri-Park Mobile Home Co-Operative. The Board is asked to abate the remaining utility balances from three demolished mobile homes damaged by Tropical Storm Irene. The three homes are situated in the floodway, an area of significant risk, where current regulations do not allow for residential structures. The Town has for decades sought to remove these residences from the floodway and the administration has supported the recommendation for abatement on the basis that Tri-Park has removed the structures and DPW has capped the utilities. No new housing units will ever be permitted at these locations.

POTENTIAL MOTION: TO ABATE THE UTILITY BALANCE OF \$294.99 FROM 18 BROOKWOOD DRIVE, \$145.90 FROM 30 BROOKWOOD DRIVE, AND \$725.87 FROM 5 EDGEWOOD DRIVE.

- B. Utility Rates – The Board has held a number of meetings to review proposed changes to the water and utility rates. The administration is recommending a 6% annual increase for the next five years on sewer base, usage and unmetered rates. The administration further recommends a 2% annual increase for the next five years on water base and usage rates. In each case the escalation shall occur in the October quarterly billing cycle so that rates may be adjusted to the fiscal year. All rates should continue to be reviewed annually by the Board. The process for amending the ordinance will occur later in the meeting.

POTENTIAL MOTION: TO ADOPT THE RATE SCHEDULE AS PRESENTED, WHICH REPRESENTS AN ANNUAL RATE INCREASE OF 6% FOR SEWER BASE, USAGE AND UNMETERED RATES AND AN ANNUAL RATE INCREASE OF 2% FOR WATER BASE AND USAGE RATES.

9. ***UNFINISHED BUSINESS***

- A. Laying Out Public Road – New England Drive, Reschedule Site Visit and Public Hearing. Based on a written request from Peg Lopata of 176 New England Drive, the Board is asked to consider rescheduling the site visit and public hearing to April 7, 2014 at 5:30pm.

POTENTIAL MOTION: TO RESCHEDULE THE PUBLIC HEARING AND SITE VISIT OF 176 NEW ENGLAND DRIVE TO APRIL 7th, 2014 AT 5:30 PM, AS PART OF THE LAYING OUT OF A PUBLIC ROAD PREVIOUSLY TAKEN UP AT THE REGULAR MEETING ON 2-18-14.

10. ***NEW BUSINESS***

- A. FY13 Single Audit – Finance Department. Finance Director John O'Connor will be present to discuss the FY13 A133 Single Audit. The A133 Single Audit reviews the Town's federal grants and comments specifically on the Town's financial controls. The Board will be happy to know that for the second year in a row, the single audit reports no findings; a significant accomplishment.

POTENTIAL MOTION: NONE

- B. Grand List Attestation – Town Assessor. Following the first Tuesday in February, the Town must report to the State any pending appeals of lawsuits against the previous year's Grand List. A memo from Russell Rice is included and it informs the Board that there are no such pending appeals or lawsuits. The Board is asked to certify this position in accordance with VSA Title 32, Section 4154.

POTENTIAL MOTION: TO APPROVE THE CERTIFICATE OF ATTESTATION FOR THE 2013 GRAND LIST.

- C. Police And Fire Facilities Building Committee - Design Plans. The Police and Fire Building Committee has been meeting with staff and our hired professionals since April of 2013. The committee helped the Town to review and hire architect, Northeast Collaborative Architects, the Owner's Project Manager, Steve Horton, and the Construction Manager, DEW. The committee has been reviewing and making recommendations to the Selectboard on changes to the design of the facilities throughout the year. Significant recommendations have included a knockdown of the existing fire station and construction of a new fire station in West Brattleboro and elimination of any new underground construction at the Municipal Center. In each case the recommendations have been shown to offer significant positive financial savings for the project. The committee is now prepared to submit the product of their work to the Board for approval; paving the way for the design staff to complete final construction documents.

POTENTIAL MOTION: TO APPROVE THE DESIGNS AS PRESENTED BY THE POLICE AND FIRE FACILITIES BUILDING COMMITTEE AND TO AUTHORIZE NORTHEAST COLLABORATIVE ARCHITECTS TO PROCEED WITH THE DEVELOPMENT OF FINAL CONSTRUCTION DOCUMENTS.

- D. Accept and Appropriate Grant – HSGP Law Enforcement Terrorism Prevention, Brattleboro Police Department The Brattleboro Police Department has been awarded a grant in the amount of \$95,960 from the Vermont Division of Emergency Management

and Homeland Security for the purchase of P25 digital handheld and mobile radios. This represents a partial award as the grant request had also sought support for a voting digital repeater system. The department continues to seek other funds for the repeater system.

POTENTIAL MOTION: TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$95,960 FROM THE VERMONT DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY FOR THE PURCHASE OF P25 COMPLIANT PORTABLE AND MOBILE RADIOS.

- E. Approve Grant Application – *Electric Vehicle Charging Station, Vermont Downtown Program, Planning Services.* The Board is asked to approve a grant application in the amount of \$10,500 to the Vermont Downtown Program for the purchase and installation of two electric vehicle charging stations for the Transportation Center. Planning Services will oversee the grant, while Town maintenance staff will oversee the installation of hardware and the necessary electrical work. The chargers will be an asset of the Parking Fund. The Energy Committee has been a driving force in this application and very helpful in assisting the Town to work out the details. A match of \$3,500 is required and the Brattleboro Energy Committee is committed to seeking local support to offset this match; however the Parking Fund fund balance will serve as a backstop if donations do not meet the match. If the grant is approved, the administration will make future recommendations to the Board for new ordinances that support the operation of this equipment, such as setting rates, etc.

POTENTIAL MOTION: TO APPROVE A GRANT APPLICATION TO THE VERMONT DOWNTOWN PROGRAM IN THE AMOUNT OF \$10,500 TO SUPPORT THE PURCHASE AND INSTALLATION OF 2 VEHICLE CHARGING STATIONS FOR THE TRANSPORTATION CENTER.

- F. Ordinance Amendment – *Utility Rates, Chapter 18, Article II, Division 5, Section 18-137, and Chapter 18, Article III, Division 2, Section 18-163, First Reading.* The Board is asked to hold a first reading on the proposed amendments to Chapter 18 Water and Sewers and approve the revised tables as presented.

POTENTIAL MOTION: NONE

- G. Town Manager Search – *Ratify Vermont League of Cities and Towns (VLCT) Agreement, Approve Schedule and Advertising.* The Board is asked to ratify the contract with the Vermont League of Cities and Towns, signed by David Gartenstein dated February 20, 2014, and approve the schedule and advertising. The contract is based on a not to exceed value of \$5,000, plus advertising, for support services in conducting a search for the new Town Manager.

POTENTIAL MOTION: TO RATIFY THE CONTRACT WITH THE VERMONT LEAGUE OF CITIES AND TOWNS DATED FEBRUARY 20, 2014, AND APPROVE THE SCHEDULE AND ADVERTISING FOR SUPPORT IN CONDUCTING A SEARCH FOR A NEW TOWN MANAGER.

- H. Selectboard Goals – *Discussion*

POTENTIAL MOTION: NONE