

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

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The following will summarize the proposed motions for those items on the Agenda for the Tuesday, April 1, 2014 Selectboard Meeting. It is anticipated that the Board will meet in executive session beginning at 5:30pm to discuss a contract matter and potential litigation; the regular meeting will begin at 6:15pm.

## **7. HEALTH COMMISSIONERS**

- A. Health Order – *Susan Rockwell, 19 Elm Street*. Acting in his capacity as Health Officer for the Town of Brattleboro, under the authority granted to him in VSA 18, Section 126, Assistant Chief Peter Lynch is seeking a health order against Susan Rockwell, owner of 19 Elm Street. The Notice of Intent, along with a Statement of Procedural Rights is included in the packet, in addition to the proposed Health Order. The order is being sought to enforce the Rental Housing Health Code (RHHC) as it relates to heat at 19 Elm. The RHHC applies to rental housing, and it requires that heating facilities must be adequate to raise the inside temperature to 65, when temperatures fall below 55 degrees outside. Ms. Rockwell has maintained both rental housing and guesthouse services at 19 Elm. Based on information provided by Fisher & Fisher, the Town staff, including police and fire, are aware of the differing types of occupancies at 19 Elm. One characteristic that leads the Town to believe that a landlord-tenant relationship exists is that the tenants have occupied the premises for more than thirty days. Other characteristics support this view and Robert Fisher will be available to explain this position further.

**POTENTIAL MOTION: TO ISSUE THE HEALTH ORDER AS PRESENTED.**

## **8. LIQUOR COMMISSIONERS**

- A. Liquor & Tobacco Licenses – *Annual Renewals*. The Board is asked to approve the annual renewal of liquor and tobacco licenses. The list of renewals is presented noting any violations reported to the Town by the Vermont Department of Liquor Control. There are no reported violations among this group of renewals. 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 RENEWALS OF LIQUOR AND TOBACCO LICENSES FOR THE BUSINESSES ON THE LIST.**

## **9. WATER AND SEWER COMMISSIONERS – None**

## **10. UNFINISHED BUSINESS – None**

## **11. NEW BUSINESS**

- A. Skatepark Site Selection Committee – *Update*. In November of 2013 the Selectboard formed the committee with seven members, and gave it the following charge, “to identify and evaluate sites within the community that will be appropriate for a skatepark”. The committee was directed to establish a criteria and rank each site, setting weighted values for each criteria. The committee will present its finding to the Recreation & Parks Board, and the Recreation and Parks Board and the Site

Selection Committee will make a recommendation to the Selectboard. The Selectboard asked that the committee accomplish this task by May 1, 2014.

**POTENTIAL MOTION: NONE**

- B. Cell Tower Application to the Public Service Board – Planning Services. American Towers, working with Verizon Wireless, has applied to the Public Service Board for a certificate of public good for a new cell phone tower in Brattleboro at 426 Meadowbrook Road. The application describes a 100' tower, which the Public Service Board considers to be limited in size and scope. The Planning Commission has met to discuss the application and has chosen to write to the Public Service Board seeking a visual impact analysis because the proposed site falls within an identified Scenic Viewshed. The Board has the opportunity to comment to the Public Service Board as well. Planning Services Director Rod Francis will be present for the discussion.

**POTENTIAL MOTION: TBD**

- C. Award Bid – Cemetery Maintenance, Recreation & Parks. On Wednesday, March 19, 2014, the Recreation and Parks Department publically opened bids for seasonal maintenance of Prospect Hill Cemetery and Morningside Cemetery. After reviewing the bids, Recreation and Parks Director Carol Lolatte will recommend that a contract be awarded to Turner & Renaud.

**POTENTIAL MOTION: TO AWARD A CONTRACT IN THE AMOUNT OF \$17,800 TO TURNER & RENAUD FOR SEASONAL MAINTENANCE OF PROSPECT HILL CEMETERY AND MORNINGSIDE CEMETERY.**

- D. Award Bid - West River Park Sewer Project, Recreation & Parks Department. On Wednesday, March 26, 2014, the Recreation and Parks Department publically opened bids for the installation of a septic tank and pump station at West River Park. A total of 10 bids were received, and after reviewing them Recreation & Parks Director Carol Lolatte is recommending A.S. Clark and Sons. This project is funded entirely from donations.

**POTENTIAL MOTION: TO APPROVE A CONTRACT IN THE AMOUNT OF \$14,287 TO A.S. CLARK AND SONS FOR THE INSTALLATION OF A SEPTIC TANK AND PUMP STATION AT WEST RIVER PARK.**

- E. Additional Solar Energy Project – Energy Committee Request. The committee is asking the Selectboard to consider additional net metering projects. As the Board will recall, in June of 2013, the Town contracted with Green Lantern Capital to establish a 500kw net metering project. The net result of the contract will be that Brattleboro is able to purchase electricity below market rates for a term of 20 years. The methodology for the purchase price is based on a system of net metering credits, an outline of which is included in the Board packet for your review.

**POTENTIAL MOTION: TBD**

- F. Annual Selectboard Assignments – Committees and Boards. The Board is asked to make a series of appointments.

**POTENTIAL MOTION: TBD**

- G. Rules for Conduct of Meeting & Hearings – Discussion. At the beginning of each new Selectboard, the Board is asked to review and adopt the Rules for Conduct of

Meeting and Hearings. This may be the ideal opportunity to clean up a relic dating back several years involving the adoption of a formal criteria for the issuance of liquor licenses. The criteria that the Board established is now found to be included in both the Rules for Conduct of Meetings and Hearings, and as of July of 2013, in Chapter 11 of the Brattleboro Town Code of Ordinances. A copy of each is attached for your review. The Board may now consider if it wishes to remove Section H from the Rules for Conduct of Meetings and Hearings.

**POTENTIAL MOTION: NONE**

- H. Selectboard Goals – *Schedule Special Meeting.*

**POTENTIAL MOTION: NONE**

- I. Representative Town Meeting Follow Up – *Discussion.*

**POTENTIAL MOTION: NONE**