

MEMORANDUM



To: Selectboard
From: Peter B. Elwell, Town Manager
Re: Administrative Report
Date: April 23, 2015

The following will summarize the proposed motions for the Selectboard meeting on Tuesday, April 28, 2015. This meeting was rescheduled from April 21 due to schedule conflicts for three Board members. On April 28, the Board will meet in executive session at 5:30pm to discuss labor relations agreements with employees, the negotiating or securing of real estate purchase or lease options, and pending or probable civil litigation or a prosecution to which the Selectboard is or may be a party. The Board will reconvene the business meeting at 6:15pm in the Selectboard meeting room.

7. LIQUOR COMMISSIONERS

- A. Special Event Permit – Hermit Thrush Brewery, LLC. The Board is asked to approve a special event permit for Hermit Thrush Brewery, LLC, to host a brewmaster's wedding welcome party on Friday, May 29 in the tasting room of the brewery at 29 High Street. Even though the event is private, DLC will require the special event permit.

POTENTIAL MOTION: TO APPROVE THE SPECIAL EVENT PERMIT FOR HERMIT THRUSH BREWERY, LLC, TO HOST A PRIVATE BREWMASTER'S WEDDING WELCOME PARTY ON FRIDAY, MAY 29.

- B. Outside Consumption Permit – Delta Pie, LLC, d/b/a Ramuntos Brick Oven Pizza of Brattleboro. The Board is asked to approve an outside consumption permit for Delta Pie, LLC, d/b/a Ramuntos Brick Oven Pizza of Brattleboro, located at 1111 Putney Road, to serve alcohol on the deck on the front of the restaurant from 11:00am to 11:00pm.

POTENTIAL MOTION: TO APPROVE AN OUTSIDE CONSUMPTION PERMIT FOR DELTA PIE, LLC, D/B/A RAMUNTOS BRICK OVEN PIZZA OF BRATTLEBORO.

- C. Special Event Permit – Whetstone Cider Works, LLC. The Board is asked to approve a special event permit for Whetstone Cider Works, LLC, for a Night of the Ukulele fundraiser for Open Music Collective to be held at the Hooker Dunham Theatre, located at 139 Main Street, on May 30, 2015, from 6:00pm to 10:30pm.

POTENTIAL MOTION: TO APPROVE A SPECIAL EVENT PERMIT FOR WHETSTONE CIDER WORKS, LLC, FOR A FUNDRAISER EVENT AT THE HOOKER DUNHAM THEATRE ON MAY 30, 2015.

- D. First Class Liquor License Renewal – Milagros Vermont, Ltd., d/b/a Milagros Mexican Restaurant. The Board is asked to approve the renewal of a first class liquor license for Milagros Vermont, Ltd., d/b/a Milagros Mexican Restaurant, located at 97 Main Street. The restaurant expects to re-open on or about May 1, 2015.

POTENTIAL MOTION: TO APPROVE THE RENEWAL OF A FIRST CLASS LIQUOR LICENSE FOR MILAGROS VERMONT, LTD., D/B/A MILAGROS MEXICAN RESTAURANT.

8. WATER AND SEWER COMMISSIONERS

A. Black Mountain Gravity Sewer Main Project

- (1) Approve Clean Water State Revolving Fund Loan. The Board is asked to approve a loan for the Black Mountain Gravity Sewer Main Project from the Vermont Clean Water State Revolving Fund in the amount of \$995,000, at zero percent interest, with a two percent administration fee, for a term of twenty years.

POTENTIAL MOTION: TO APPROVE A LOAN FOR THE BLACK MOUNTAIN GRAVITY SEWER MAIN PROJECT FROM THE VERMONT CLEAN WATER STATE REVOLVING FUND IN THE AMOUNT OF \$995,000, AT ZERO PERCENT INTEREST, WITH A TWO PERCENT ADMINISTRATION FEE, FOR A TERM OF TWENTY YEARS.

- (2) Approve Appointment of Alternate Authorized Representative. The Board is asked to approve appointment of Town Manager Peter Elwell to act as an alternative authorized representative of the applicant for the purpose of furnishing information and documents to the State of Vermont in connection with the Black Mountain Road Gravity Sewer Main Project. Currently, John O'Connor is the Town's authorized representative and Patrick Moreland is the alternate. This approval would replace the Interim Town Manager with the Town Manager.

POTENTIAL MOTION: TO APPROVE THE APPOINTMENT OF TOWN MANAGER PETER ELWELL AS THE TOWN'S ALTERNATE AUTHORIZED REPRESENTATIVE FOR THE BLACK MOUNTAIN ROAD GRAVITY SEWER PROJECT.

9. UNFINISHED BUSINESS

- A. Property Assessed Clean Energy Program (PACE) – The Board is asked to adopt the Property Assessed Clean Energy (PACE) Program, as revised, and to authorize the Town Manager to execute the associated documents. Representative Town Meeting approved the formation of the PACE District in 2013. Assistant Town Manager Moreland, Finance Director O'Connor, and Town Attorney Fisher recently met with representatives from Vermont Energy Investment Corporation (VEIC), d/b/a Efficiency Vermont. The parties have agreed to changes in the program documents that resolve the Town's prior concerns regarding the program structure. The Energy Committee, Town staff, and the Town Attorney recommend Selectboard approval.

POTENTIAL MOTION: TO ADOPT THE PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM, AS REVISED, AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE ASSOCIATED DOCUMENTS.

10. NEW BUSINESS

- A. Net Metering – Second Amendment to Agreement with NextSun, Assistant Town Manager and Energy Committee. The Board is asked to authorize the Town Manager to execute an amendment to the Town's existing net metering agreement with NextSun to address structural requirements of NextSun and provide more favorable financial terms for the Town.

POTENTIAL MOTION: TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE TOWN'S NET METERING AGREEMENT WITH NEXTSUN ENERGY RUTLAND, LLC.

- B. Financial Report – Monthly Financial Report, March. Finance Director John O'Connor will be present to discuss the March financial report.

NO MOTION IS REQUIRED ON THIS ITEM.

- C. Local Emergency Operations Plan – Adopt Updated Local Emergency Operations Plan, Fire Department. The Board is asked to adopt the 2015 Local Emergency Operations Plan (LOEP). All Vermont municipalities are required to update and adopt an LOEP each year to ensure continued eligibility for emergency funding and assistance through the State and Federal governments.

POTENTIAL MOTION: TO ADOPT THE 2015 LOCAL EMERGENCY OPERATIONS PLAN (LOEP), AS PRESENTED.

- D. DEMHS Special Operations Training Grant – Accept and Appropriate Department of Emergency Management and Homeland Security (DEMHS) Grant, Fire Department. The Board is asked to accept and appropriate the sum of \$7,667.70 from the Vermont Department of Emergency Management and Homeland Security to pay for special operations training.

POTENTIAL MOTION: TO ACCEPT AND APPROPRIATE THE SUM OF \$7,667.70 FROM THE VERMONT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY.

- E. DUI Enforcement Grant Amendment – Accept and Appropriate Vermont Agency of Transportation Grant Amendment, Police Department. The Board is asked to approve the 2015 DUI Enforcement Grant Amendment and to accept and appropriate \$3,600 from the Vermont Agency of Transportation for enforcement activities directly related to DUI and impaired driving.

POTENTIAL MOTION: TO APPROVE THE 2015 DUI ENFORCEMENT GRANT AMENDMENT AND TO ACCEPT AND APPROPRIATE \$3,600 FROM THE VERMONT AGENCY OF TRANSPORTATION FOR ENFORCEMENT ACTIVITIES DIRECTLY RELATED TO DUI AND IMPAIRED DRIVING.

- F. Occupant Protection (OP) Enforcement Grant Amendment – Accept and Appropriate Vermont Agency of Transportation Grant Amendment, Police Department. The Board is asked to approve the 2015 Occupant Protection (OP) Enforcement Grant Amendment and to accept and appropriate \$4,800 from the Vermont Agency of Transportation for enforcement activities directly related to speeding, seatbelt use, aggressive and distracted driving.

POTENTIAL MOTION: TO APPROVE THE 2015 OP ENFORCEMENT GRANT AMENDMENT AND TO ACCEPT AND APPROPRIATE \$4,800 FROM THE VERMONT AGENCY OF TRANSPORTATION FOR ENFORCEMENT ACTIVITIES DIRECTLY RELATED TO SPEEDING, SEATBELT USE, AGGRESSIVE AND DISTRACTED DRIVING.

- G. Bulletproof Vest Partnership Grant – Approve Grant Application to the Bureau of Justice Assistance, Police Department. The Board is asked to approve the application for a \$2,097 Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance to pay for bulletproof vests.

POTENTIAL MOTION: TO APPROVE THE APPLICATION FOR A \$2,097 BULLETPROOF VEST PARTNERSHIP GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE TO PAY FOR BULLETPROOF VESTS.

- H. Town Highway Class 2 Roadway Program Grants – Approve Applications for Vermont Agency of Transportation Town Highway Class 2 Roadway Program Grants
(1) Old Guilford Road Paving Project
(2) Greenleaf Street Paving Project

The Board is asked to approve two grant applications seeking funding from the Town Highway Class 2 Roadway Program. Two applications for funds through the same grant are being proposed for two separate projects.

POTENTIAL MOTION: TO APPROVE THE APPLICATION FOR A TOWN HIGHWAY CLASS 2 ROADWAY PROGRAM GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION IN THE AMOUNT OF \$89,660 FOR THE OLD GUILFORD ROAD PAVING PROJECT.

POTENTIAL MOTION: TO APPROVE THE APPLICATION FOR A TOWN HIGHWAY CLASS 2 ROADWAY PROGRAM GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION IN THE AMOUNT OF \$95,230 FOR THE GREENLEAF STREET PAVING PROJECT.

- I. Better Back Roads Grant – Approve Better Back Roads Category A Grant Application, Department of Public Works. The Board is asked to approve an application for a \$4,000 Better Back Roads Category A Grant from the Vermont Agency of Transportation to inventory, prioritize and develop a capital budget plan for road related erosion problems affecting water quality, and to identify any permitting or right-of-way issues.

POTENTIAL MOTION: TO APPROVE THE APPLICATION FOR A \$4,000 BETTER BACK ROADS CATEGORY A GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION.

- J. VTrans Annual Financial Plan – Certification, Department of Public Works. The Board is asked to endorse the State of Vermont Department of Transportation (VTrans) Annual Financial Plan for town highways. The financial Plan is used to determine the amount of funding the Town receives from the State for construction, improvements, and repair of Town roads.

POTENTIAL MOTION: TO ENDORSE THE STATE OF VERMONT DEPARTMENT OF TRANSPORTATION ANNUAL FINANCIAL PLAN FOR TOWN HIGHWAYS.

- K. Proposed Town Plan Amendment – Schedule two Public Hearings (May 19 and June 2), Planning Services. The Board is asked to schedule two public hearings to review and discuss a proposed amendment to the Brattleboro Town Plan. The two dates recommended by Planning Services are the regular Selectboard meetings on May 19 and June 2, 2015.

POTENTIAL MOTION: TO ADD PUBLIC HEARINGS TO SELECTBOARD MEETINGS ON MAY 19 AND JUNE 2, 2015 TO REVIEW AND DISCUSS A PROPOSED AMENDMENT TO THE BRATTLEBORO TOWN PLAN.

- L. Annual Selectboard Assignments – Committees and Boards (Deferred from April 7 meeting). The Board is asked to appointment Selectboard members to the Capital Grant Review Board (2 members), Rental Housing Improvement Program Loan Committee (1 member), Small Business Assistance Program Loan Committee (1 member), Traffic Safety Committee (1 member), and Windham Solid Waste Management District (1 representative and 1 alternate).

POTENTIAL MOTION: TBD

- M. Rules for Conduct of Meetings and Hearings – Discussion (Deferred from April 7 meeting). The Board is asked to discuss and approve Rules for Conduct of Meetings and Hearings for the 2015-2016 Board term. Town Manager Elwell submitted a memo with suggested revisions.

POTENTIAL MOTION: TBD

- N. Selectboard Goals – Discussion (Deferred from April 7 meeting). The Board is asked to discuss and adopt Selectboard goals for the 2015-2016 Board term. Town Manager Elwell submitted a memo with some proposed goals.

POTENTIAL MOTION: TBD

- O. Adjust Selectboard Meeting Schedule – April through June. The Board is asked to (1) schedule a special meeting for _____ to consider financial and budgetary matters, (2) confirm that regular meetings will be held on May 5 and 19 and on June 2 and 16, and (3) include on the May 5 and June 2 agendas the presentation and review of proposed amendments to the Town's Zoning Code and Land Use Regulations.

**POTENTIAL MOTION: TO SCHEDULE A SPECIAL MEETING FOR _____
(BEGINNING AT ____PM) TO CONSIDER FINANCIAL AND BUDGETARY MATTERS.**

POTENTIAL MOTION: TO CONFIRM THAT REGULARLY SCHEDULED SELECTBOARD MEETINGS WILL BE HELD ON MAY 5 AND 19 AND ON JUNE 2 AND 16 (ALL BEGINNING AT 6:15PM).

POTENTIAL MOTION: TO INCLUDE ON THE MAY 5 AND JUNE 2 SELECTBOARD MEETING AGENDAS THE PRESENTATION AND REVIEW OF PROPOSED AMENDMENTS TO THE TOWN'S ZONING CODE AND LAND DEVELOPMENT REGULATIONS.

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